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REPORT OF THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE ON ITS FIRST SESSION*

(Vienna, 21 to 30 April 1992)

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* The present document is a mimeographed version of the report of the Commission on Crime Prevention and Criminal Justice on its first session. It will be issued subsequently in final form as _Official Records of the Economic and Social Council, 1992, Supplement No. 10_ (E/1992/30).

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Chapter I

MATTERS CALLING FOR ACTION BY THE ECONOMIC AND SOCIAL COUNCIL OR BROUGHT TO ITS ATTENTION

A. Draft resolutions

1. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following three draft resolutions:

DRAFT RESOLUTION I

Implementation of General Assembly resolution 46/152 concerning operational activities and coordination in the field of crime prevention and criminal justice*

The Economic and Social Council,

Recalling its resolution 155 C (VII) of 13 August 1948, by which the United Nations was entrusted with the leadership in promoting international cooperation in crime prevention and criminal justice and in making the fullest use of the knowledge and experience of national and international organizations which have an interest and competence in this field,

Recalling also its resolutions 1979/20 of 9 May 1979, 1984/48 of 25 May 1984 and 1990/24 of 24 May 1990, in which it requested the Secretary-General to explore new formulas for providing developing countries with technical cooperation, to develop concrete projects of technical cooperation and to promote education, training and public awareness in the field of crime prevention and criminal justice,

Reaffirming its recommendation, contained in resolution 1990/19 of 24 May 1990, that the international community, working through bilateral or multilateral arrangements, should provide Member States, at their request, with necessary assistance, in order to contribute to the establishment of the infrastructure required for crime prevention and criminal justice,

Recalling its resolutions 1986/11 of 21 May 1986, 1987/53 of 28 May 1987, 1988/44 of 27 May 1988 and 1989/68 of 24 May 1989, on the review of the functioning and programme of work of the United Nations in crime prevention and criminal justice, in which it called for intensified technical cooperation in this field,

Recalling also its resolutions 1989/63 of 24 May 1989 and 1990/21 of 24 May 1990, dealing with United Nations standards and norms in crime prevention and criminal justice,

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* For the discussion, see chap. II.

Recognizing that many States suffer from extreme shortages of human and financial resources, impeding them from adequately responding to problems related to crime,

Noting with appreciation the efforts made by many States at the bilateral level to provide assistance and know-how in the field of crime prevention and criminal justice,

Acknowledging the need for global efforts commensurate with the magnitude of national and transnational crime,

Bearing in mind that effective international action in crime prevention and criminal justice requires improved coordination of all related activities carried out by United Nations entities,

Recognizing that such improved coordination can only be effected through the continuous and close cooperation of all United Nations entities whose mandates are relevant to crime prevention and criminal justice,

Welcoming with appreciation Commission on Human Rights resolution 1992/31 of 28 February 1992, 1/ and emphasizing that all Member States should recognize the fundamental importance of human rights in the daily administration of crime prevention and criminal justice,

Also welcoming with appreciation Commission on Narcotic Drugs resolution 11 (XXXV) of 15 April 1992, 2/

Desirous of assisting States in improving their capacity to face the challenge of criminality by fostering new courses of action and enhancing collaborative ties and assistance through mutually supportive partnerships between Member States and the United Nations crime prevention and criminal justice programme, and any regional or subregional United Nations institutes, the establishment of which may be necessary to achieve this goal,

Recalling General Assembly resolution 45/121 of 14 December 1990, in which the Assembly invited Member States to monitor systematically the steps being taken to ensure the coordination of efforts in the planning and implementation of effective and humane measures designed to reduce the social and economic costs of crime and its negative effects on the development process, as well as to continue to explore new avenues for international cooperation in this field,

Recalling also General Assembly resolution 46/152 of 18 December 1992, in which the Assembly emphasized the practical orientation of the United Nations crime prevention and criminal justice programme and decided that it should

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1/ *Official Records of the Economic and Social Council, 1992, Supplement No. 2* (E/1992/22), chap. I, sect. A.

2/ Ibid., Supplement No. 5 (E/1992/25).

provide States with practical assistance, such as data collection, information and experience sharing, and training, in order to achieve the goals of preventing crime and improving the response to it,

Bearing in mind the urgent and specific needs of the least developed countries in the field of training and in the upgrading and development of their human resources,

Convinced of the need to encourage constructive dialogue and collaboration between Governments, intergovernmental and non-governmental organizations and funding agencies, with a view to formulating practical operational plans and policies,

Emphasizing the direct relevance of crime prevention and criminal justice to sustained development, stability, security, democratic change and improved quality of life,

Bearing in mind that many developing countries are faced with a lack of skilled personnel, training opportunities and technological and material know-how and have a keen interest in technical cooperation, advisory services and other types of aid,

Determined to respond to the increasing requests from Governments for technical cooperation and advisory services in crime prevention and criminal justice,

Recognizing that the United Nations Secretariat will be called upon to perform new tasks in order to service the annual sessions of the Commission,

Convinced that operational activities and technical assistance should occupy a prominent place in the United Nations activities in crime prevention and criminal justice, in the light of the recommendations of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, held in Paris from 21 to 23 November 1991,

Taking note of the report of the Secretary-General on the implementation of the conclusions and recommendations of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, in pursuance of General Assembly resolution 46/152, 3/ the progress report of the Secretary-General on United Nations activities in crime prevention and criminal justice, including detailed information on current programme budget and extrabudgetary activities of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, 4/ the progress report of the Secretary-General on the activities of the United Nations Interregional Crime and Justice Research Institute and the regional institutes for crime prevention and criminal justice, 5/ the note by

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3/ E/CN.15/1992/6.

4/ E/CN.15/1992/2.

5/ E/CN.15/1992/3.

the Secretary-General on strengthening existing international cooperation in crime prevention and criminal justice, including technical cooperation in developing countries, with special emphasis on combating organized crime, [6] and the note by the Secretary-General on the proposed revisions to programme 29 of the medium-term plan for the period 1992-1997, [7]

I

STRENGTHENING THE OPERATIONAL CAPACITY OF THE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME, ESPECIALLY OPERATIONAL ACTIVITIES AND ADVISORY SERVICES

1. Decides that, under the guidance of the Commission, the secretariat should be responsible for facilitating the planning, coordination and implementation of practical activities in the field of crime prevention and criminal justice, in close collaboration with Governments and interregional and regional institutes, specialized agencies, funding agencies, intergovernmental organizations and non-governmental organizations, the activities of which should be promoted in this field;

2. Recommends to the General Assembly at its forty-seventh session that it take favourable action on the proposals to be submitted by the Secretary-General pursuant to General Assembly resolution 46/152 relating to the strengthening of the programme;

3. Reaffirms the General Assembly's request to the Secretary-General to take the necessary measures to commit the human and financial resources necessary to strengthen the programme as a whole, with emphasis on designing, implementing and monitoring technical cooperation projects at the national, regional and subregional levels, so as to enable it:

(a) To devote greater attention to helping States upon request, including requests channelled through United Nations peace-keeping operations, to identify their crime prevention and criminal justice needs and address them through technical cooperation, particularly in relation to law reform within their legal systems, including the improvement of legislation and procedures, the elaboration of criminal codes, the improved planning and formulation of national policies concerning crime prevention and criminal justice strategies, acceleration of human resources development in specialized fields, and assisting with the practical implementation of United Nations standards, norms and guidelines in crime prevention and criminal justice;

(b) To contribute to the preservation and reinforcement of democracy and justice based on the rule of law, in its field of competence and in collaboration with all the entities of the United Nations system and other appropriate organizations, taking appropriate account of United Nations norms and standards concerning crime prevention, criminal justice, law enforcement and protection of victims, as well as means of conflict resolution and mediation;

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[6] E/CN.15/1992/4 and Add.3 and 4.

[7] E/CN.15/1992/CRP.1 and Corr.1.

(c) To plan, implement and evaluate crime prevention and criminal justice assistance projects and to serve as a facilitating agent and a dynamic operational tool with which to assist countries in preventing crime, promoting security, sustaining national development and enhancing justice and respect for human rights;

(d) To serve as a world-wide training network for developing countries with specific requirements by developing training schemes, including manuals and curricula, by organizing national, regional and cross-sectoral training courses, workshops and seminars on priority issues, tailoring their objectives to the needs of the recipient countries, and by developing fellowship programmes;

(e) To further develop clearing-house facilities in relation to crime prevention and criminal justice issues, including the capacity to match the needs for training with the opportunities available to meet them;

(f) To continue and improve the surveys of crime trends and the operation of criminal justice systems carried out periodically by the United Nations, as a means of obtaining and providing a cross-nationally updated picture of patterns and dynamics of crime in the world, including its transnational forms; to carry out the surveys at two-year intervals, with preparations for the next survey (1990-1992) commencing at the end of 1993, in collaboration with the United Nations Development Programme and, within their competence, in collaboration with the interregional, regional and national crime prevention and criminal justice institutes; and to include provisions for the regular publication and dissemination of the surveys, starting with the proposed programme budget for the biennium 1994-1995;

(g) To strengthen the United Nations Criminal Justice Information Network by inviting Governments, interregional and regional organizations, other relevant entities and the private sector to join and support the Network financially and logistically as a viable instrument for the dissemination and exchange of information and the transfer of knowledge for improved criminal justice management and more effective crime prevention;

(h) To promote policy-oriented research and studies on topics of interest to the Commission, as well as to individual or groups of member States;

(i) To determine, in cooperation with Governments and interregional and regional institutes, categories of crime prevention and criminal justice information to be supplied to, and exchanged through, the United Nations Criminal Justice Information Network, taking into account priorities specified by the Commission, with a view to ensuring more effective functioning of the Network;

(j) To cooperate closely and directly with a variety of national, regional, interregional and international institutions and training agencies and develop a roster of experts in different disciplines with practical experience in the field of crime prevention and criminal justice, as part of the clearing-house function or for such other purposes as the Commission may decide;

(k) To strengthen interregional and regional advisory services in crime prevention and criminal justice, so as to ensure necessary feedback and follow-up action;

(l) To develop and implement the various activities of the programme, in accordance with the priorities recommended by the Commission;

4. Requests the Secretary-General, pursuant to the recommendations of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, to initiate the necessary consultations for the preparation of a report, to be considered by the Commission at its second session, setting out options and recommendations for the creation of an appropriate mechanism, such as a foundation, to mobilize human, financial and other resources to further technical cooperation.

II

ESTABLISHMENT OF A SUBPROGRAMME ON OPERATIONAL ACTIVITIES, PLANNING AND OVERALL COORDINATION

1. Takes note of the proposed revisions to programme 29 of the medium-term plan for the period 1992-1997, 4/ which reflect the programmatic changes resulting from the most recent relevant resolutions of the General Assembly, as well as the conclusions and recommendations of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme;

2. Recommends the establishment, within programme 29 of the medium-term plan, of a subprogramme on operational activities, planning and overall coordination, in response to paragraph 5 of General Assembly resolution 46/152 and the statement of principles and programme of action annexed to the resolution;

3. Invites the Committee for Programme and Coordination and the Advisory Committee on Administrative and Budgetary Questions to ensure proper follow-up to the recommendation in paragraph 2 above;

4. Requests the Secretary-General to reflect appropriately the changes in his revised estimates under section 21 of the programme budget for the biennium 1992-1993 and subsequent bienniums.

III

INVOLVEMENT OF MEMBER STATES

1. Urges developed countries, as envisaged in General Assembly resolution 46/152, to strengthen their aid programmes and commit themselves to support technical assistance and advisory services in the field of crime

prevention and criminal justice in order to enhance the global commitment to improving justice and promoting human rights and the rule of law;

2. Invites Member States to establish reliable and effective channels of communication among themselves and with the United Nations crime prevention and criminal justice programme, including the United Nations Interregional Crime and Justice Research Institute, the regional institutes and government-appointed national correspondents, particularly in relation to the facilities available for training, the use of modern techniques to combat crime which are consistent with international human rights standards, the provision of fellowships, study tours and consultancies, and personnel and information exchanges;

3. Encourages Governments in need of technical assistance in the field of crime prevention and criminal justice to identify their specific needs and to avail themselves of the services provided by the United Nations crime prevention and criminal justice programme, as well as of those provided bilaterally, access to which should be facilitated by the United Nations Secretariat.

IV

COORDINATION OF ACTIVITIES

1. Expresses its appreciation to the Arab Security Studies and Training Centre for acting as host to the annual joint programme coordination meetings of the United Nations crime prevention and criminal justice programme network held in Saudi Arabia; [8]

2. Notes that the United Nations Interregional Crime and Justice Research Institute reports to the Economic and Social Council through the Commission, and invites all other institutes listed in paragraph 35 of the annex to General Assembly resolution 46/152 to submit, at future sessions of the Commission, statements outlining their programmes of work and the implementation thereof, with a view to assisting the Commission in facilitating the coordination of their activities;

3. Recommends that the following activities be undertaken by the Secretary-General:

(a) The promotion of arrangements for various types of exchanges within the programme network, in particular the secondment and exchange of staff;

(b) The collection and dissemination of information, in particular, research results and academic and scientific literature, to both professionals and the general public in order to permit the development and evaluation of measures and strategies for crime prevention and criminal justice and the identification of viable policy options for States of different regions;

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[8] See document E/CN.15/1992/3, sect. III.A.

(c) The development of field-level operations and other forms of direct collaborative activity designed to translate into practical action new policy perspectives, strategies and innovative techniques;

(d) The promotion of closer collaboration and continuing dialogue with Governments on matters of special concern;

(e) The coordination and integration of the activities of the interregional, regional and associate institutes cooperating with the United Nations in the field of crime prevention and criminal justice;

(f) The promotion of collaboration with and among research and training institutions around the world;

(g) The encouragement of Governments to appoint their national correspondents in the field of crime prevention and criminal justice to act as focal points and to foster effective communication and cooperation with the secretariat and other elements of the programme, including the interregional and regional institutes in the field of crime prevention and criminal justice;

(h) The development of criteria and procedures for the creation and affiliation of new United Nations institutes or centres that would join those referred to in paragraph 35 of the annex to General Assembly resolution 46/152 for consideration by the Commission at its second session, and the favourable review of requests by groups of States to establish United Nations subregional institutes;

4. Recognizes the Commission on Crime Prevention and Criminal Justice as the principal policy-making body of the United Nations in the field of crime prevention and criminal justice and requests it to coordinate, as appropriate, relevant activities in this field;

5. Requests the Commission on Crime Prevention and Criminal Justice to cooperate closely with the Commission for Social Development, the Commission on Human Rights, the Commission on Narcotic Drugs, the Commission on the Status of Women and other bodies, including the International Law Commission, and specialized agencies, including the United Nations Educational, Scientific and Cultural Organization, whose activities may have crime prevention and criminal justice aspects, in order to increase the efficiency and effectiveness of United Nations activities in areas of mutual concern and to ensure proper coordination and avoidance of possible duplication;

6. Requests the Secretary-General to strengthen cooperation between the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs of the Secretariat, including in particular preparations for the World Conference on Human Rights and coordination of the various technical advisory services provided by both Centres, in order to undertake joint programmes and strengthen existing mechanisms for the protection of human rights in the administration of justice;

7. Approves the decision of the Commission on Crime Prevention and Criminal Justice to authorize its secretariat to prepare concrete proposals on how such cooperation can most effectively be realized;

8. Urges the Commission on Crime Prevention and Criminal Justice to cooperate closely with, and to appropriately utilize the expertise, advocacy and assistance of, intergovernmental and non-governmental organizations in the development and implementation of the programme on crime prevention and criminal justice;

9. Requests the Secretary-General to encourage effective cooperation and coordination of relevant activities and to provide to the Commission on Crime Prevention and Criminal Justice all the assistance necessary to achieve this goal;

10. Requests the Secretary-General, in support of the Commission's setting of programme priorities:

(a) To conduct a survey of activities carried out in the field of crime prevention and criminal justice within the United Nations system;

(b) To conduct a survey of activities on priority themes identified in section VI, paragraph 1, below by relevant intergovernmental bodies and non-governmental organizations, including at the regional level;

(c) To prepare a report, based on an analysis of the information gathered through the above-mentioned surveys, which outlines options, with their associated budget implications, relating to the priority themes for consideration by the Commission at its second session in connection with the development of its programme of work for the period 1992-1996;

11. Requests the Secretary-General to provide Governments with the above-mentioned report sixty days in advance of the second session of the Commission;

V

FUNDING OF OPERATIONAL ACTIVITIES

1. Reaffirms the crucial role of the Commission on Crime Prevention and Criminal Justice in mobilizing the support of Member States for the United Nations crime prevention and criminal justice programme, as envisaged in paragraph 26 (d) of the annex to General Assembly resolution 46/152;

2. Recommends that the General Assembly consider arrangements for funding programme support, taking into account the practices elsewhere in the United Nations system;

3. Requests the Secretary-General to assist in mobilizing support for the programme and in undertaking vigorous fund-raising activities to strengthen particularly its technical assistance and advisory services operational capacity:

(a) By broadening the base of the financial support of the programme by approaching Governments, private foundations, intergovernmental and non-governmental organizations, academic institutions and the private sector;

(b) By establishing collaborative relationships with the United Nations Development Programme, the World Bank, other United Nations funding agencies and regional development banks and by exploring innovative partnerships to finance joint technical assistance projects;

(c) By organizing special events that would bring together donor countries, recipient countries and funding agencies, with a view to strengthening the financial base of the United Nations Crime Prevention and Criminal Justice Fund 9/ encouraging voluntary contributions in cash or in kind, and establishing an ongoing dialogue for more effective operational activities;

VI

PRIORITIES

1. Determines that the following priority themes should guide the work of the Commission in the development of a detailed programme and the budget allocations for the period 1992-1996:

(a) National and transnational crime, organized crime, economic crime, including money laundering, and the role of criminal law in the protection of the environment;

(b) Crime prevention in urban areas, juvenile and violent criminality;

(c) Efficiency, fairness and improvement in the management and administration of criminal justice and related systems, with due emphasis on the strengthening of national capacities in developing countries for the regular collection, collation, analysis and utilization of data in the development and implementation of appropriate policies;

2. Recommends that in the course of the programme budget planning process, allocation should be made for special operational activities and advisory services in situations of urgent need and for programme organization, evaluation and reporting obligations;

3. Determines that in the areas noted in paragraph 1 above, the objectives should be:

(a) To concentrate the majority of programme resources on the provision of training, advisory services and technical cooperation in a limited number of areas of recognized need, taking into account the need for technical assistance to developing countries, in order to achieve a synergetic effect, allowing intense and effective use of materials, resources and experience from both regular budgetary resources and voluntary contributions;

(b) In the case of special operational activities and advisory services in situations of urgent need, to offer timely and practical assistance to Governments, upon request, in situations that do not permit a problem to be

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9/ Formerly the United Nations Trust Fund for Social Defence.

adopted as a regular priority by the Commission on Crime Prevention and Criminal Justice; in implementing these special operational activities and advisory services, the Secretariat should place major emphasis on serving as a broker and clearing-house, providing advisory services and training to Member States from within existing budgetary resources and through voluntary contributions; the Secretariat should submit to the Commission at its second session a narrative and statistical report on the implementation of these special operational activities and advisory services, together with a statement of expenditure and any appropriate recommendations;

(c) With regard to programme organization, evaluation and reporting obligations, to assist the Commission in reaching agreement on the general goals of the programme and the needs to be met; to ascertain the capacity available to meet those needs; to determine the objectives, specific activities and mechanisms to be used for that purpose; to remain cognizant of and advise the Commission on pertinent developments and discharge other reporting responsibilities; and to mobilize support for the programme;

4. Invites the Commission to keep its priorities under review and to ensure that the programme developments related to the substantive preparations for the United Nations congresses on the prevention of crime and the treatment of offenders take those priorities into account;

5. Accords high priority to the United Nations crime prevention and criminal justice programme, in accordance with General Assembly resolution 46/152, and requests an appropriate share of the overall resources of the United Nations for the programme.

VII

FOLLOW-UP

1. Urges the Department of Economic and Social Development of the Secretariat, the United Nations Development Programme and other pertinent funding agencies and bodies to give full support to technical assistance projects in crime prevention and criminal justice and to encourage technical cooperation in this field among developed and developing countries;

2. Decides that the Commission on Crime Prevention and Criminal Justice should include in its agenda, beginning with its second session, a standing item on technical assistance which would deal with the most practical course of action to be followed to render the programme fully operational and enable it to respond to the specific needs of Governments, including financial possibilities;

3. Decides that the Commission should include in its agenda, beginning with its second session, a standing item on the existing United Nations standards and norms in the field of crime prevention and criminal justice, which serve as recommendations to Member States, including their use and application;

4. Requests the Secretary-General to report to the Economic and Social Council at its substantive session of 1993, through the Commission on Crime Prevention and Criminal Justice, on the progress made in the implementation of the various provisions of the present resolution.

DRAFT RESOLUTION II

Organized crime*

The Economic and Social Council,

Alarmed by the rapid growth and geographical extension of organized crime in its various forms, both nationally and internationally,

Concerned about the menace that these developments represent to social stability, economic development, democratic institutions and legitimate business,

Aware that the transnational nature of a large portion of the activities of organized crime requires the intensification of technical and scientific cooperation, as indicated on several occasions by the Committee on Crime Prevention and Control,

Recognizing the importance of initiatives taken in this area by the Committee,

Recalling that the Economic and Social Council, in its resolution 1989/70 of 24 May 1989, called upon Governments, international organizations and interested non-governmental organizations to cooperate with the Committee in promoting international cooperation in combating organized crime,

Recalling also that the General Assembly, in its resolution 44/71 of 8 December 1989, requested the Committee to consider ways of strengthening international cooperation in combating organized crime and to submit its views, through the Economic and Social Council, to the General Assembly at its forty-seventh session,

Recalling further that the General Assembly, in its resolution 44/72 of 8 December 1989, requested the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to propose control measures aimed at eradicating the activities of organized crime,

Noting that the Eighth Congress, in its resolution 24, adopted the Guidelines for the prevention and control of organized crime, 10/

Noting also that the General Assembly, in its resolution 45/121 of 14 December 1990, welcomed the instruments and resolutions adopted by the Eighth Congress and invited Governments to be guided by them in the formulation of appropriate legislation and policy directives,

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* For the discussion, see chap. III.

10/ See Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I.

Noting further that the General Assembly, in the same resolution, endorsed the decision of the Eighth Congress that priority attention should be given to specific practical measures to combat international crime over the forthcoming five-year period,

Taking note of the fact that the Ad Hoc Expert Group Meeting on Strategies to Deal with Transnational Crime, held at Smolenice, Czechoslovakia, from 27 to 31 May 1991, formulated important recommendations in this area,

Taking note also of the fact that the International Seminar on Organized Crime, held at Suzdal, Russian Federation, from 21 to 25 October 1991, pursuant to General Assembly resolution 45/123 of 14 December 1990, formulated practical measures against organized crime, aimed at enhancing the struggle against the different manifestations of organized crime,

Reaffirming that priority must be given to the struggle against all activities of organized crime, including money laundering, the infiltration of legitimate business and the corruption of public officials,

1. *Takes note* of the recommendations of the Ad Hoc Expert Group Meeting on Strategies to Deal with Transnational Crime, held at Smolenice, Czechoslovakia, and the practical measures against organized crime, formulated by the International Seminar on Organized Crime, held at Suzdal, Russian Federation, contained in annexes I and II to the present resolution, and offers them for consideration by Governments in their efforts to enhance the struggle against organized crime, both nationally and internationally;

2. *Requests* the Secretary-General to continue the analysis of information on the impact of organized criminal activities upon society at large, including data on the nature, extent, forms and dimensions of organized crime, on legislative measures and the promotion of international cooperation aimed at controlling organized crime, with special emphasis on economic crimes and the laundering of illicit funds, and on judicial practice as regards cases involving organized crime, with a view to keeping the Commission on Crime Prevention and Criminal Justice informed;

3. *Invites* Member States to give favourable consideration to the organization of practice-oriented workshops, research projects and training programmes to deal with specific aspects of organized criminal activities, with a view to exchanging ideas concerning law enforcement methods for their control which have proved to be both effective and consistent with the concept of respect for human rights.

Annex I

RECOMMENDATIONS OF THE AD HOC EXPERT GROUP MEETING ON STRATEGIES TO DEAL WITH TRANSNATIONAL CRIME, HELD AT SMOLENICE, CZECHOSLOVAKIA, FROM 27 TO 31 MAY 1991

The following recommendations were drawn up by the Ad Hoc Expert Group Meeting on Strategies to Deal with Transnational Crime for the attention of the intergovernmental working group on the creation of an effective international crime and justice programme and the Committee on Crime Prevention and Control, at its twelfth session. 11/ They are drawn from the discussions of the substantive agenda items, as well as from the papers presented by experts and the United Nations or United Nations-affiliated institutes for the prevention of crime and the treatment of offenders:

1. The process of studying and combating transnational crime and crimes with transnational aspects should take into account a number of factors, such as the considerable changes in the political, economic and social situation in the world and the extensive development of international business activities, including the creation of common markets and other forms of integration. It should also take into account the vulnerability of national frontiers, the high level of modern communication, the expansion of the international banking system and resultant simplification of money transfer, the extensive use of computer technology, the universal spread of illegal business in arms and explosives, the growth in the number of enterprises producing and using radioactive and chemical substances and the extensive use of such substances, and the limited geographical reach of national laws and national law enforcement authorities, differences in legal systems, and the limited effect of international procedures for obtaining evidence, apprehension and extradition of offenders.

2. In view of the political and economic changes taking place in many countries, including the newly emerging "market economies", new laws and regulations should be developed so as to be able to anticipate and respond to changing situations and emerging economic realities. Exchanges of information on, and experiences with, economic crime and its control by criminal sanctions should be intensified. Due consideration should be given to regulatory mechanisms as essential complements to penal sanctions.

3. In view of the increasing seriousness and gravity of organized crime, terrorism and other transnational crimes, Governments should be encouraged to conclude bilateral and multilateral agreements to carry out or enhance the effectiveness of extradition proceedings and mutual assistance in criminal matters, using as a basis United Nations model treaties and other treaties and agreements concluded at the regional and

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11/ The Economic and Social Council, in its resolution 1992/1 of 6 February 1992, dissolved the Committee on Crime Prevention and Control and established the Commission on Crime Prevention and Criminal Justice.

international levels. The role of regional and subregional intergovernmental organizations in supporting the United Nations in this field would be essential. Appropriate coordination mechanisms should be established and maintained.

4. Countries should consider establishing a national organizations with powers to plan and coordinate the domestic criminal justice and crime prevention programme. The composition of this organization should include representatives of the various relevant sectors of Government and the community.

5. Countries should agree to share information and intelligence on non-controversial matters. To facilitate such exchanges, countries should establish national databases with linkage to all other countries. A technical committee should be set up to overview these activities.

6. Countries should study the practices on extradition prevailing in certain regional groups, for example the Council of Europe. This could help to eliminate the difficulties associated with the technical requirements that are the main obstacles to extradition being granted.

7. National and international efforts to achieve more effective strategies to deal with transnational crime should focus on:

(a) Harmonization of legislation and avoidance of conflicts of jurisdiction that may result in serious transnational offenders escaping justice;

(b) Penalization of certain forms of behaviour to eliminate gaps in national legislation;

(c) Cooperation through extradition, mutual assistance, enforcement of foreign judgements, transfer of criminal proceedings, transfer of offenders, including designation of an appropriate coordinating authority to expedite the implementation of treaties;

(d) Integration of the various modalities of international cooperation to provide better and more efficient results;

(e) Reassessment of traditional principles of international cooperation, such as reciprocity, double criminality, specialty, the political offence exception and the non-extradition of nationals and territoriality;

(f) A lessening of the divergence of national conceptions of criminal justice, including substantive law and procedural rules and practices, with due respect for human rights considerations;

(g) The sharing of law enforcement intelligence (information) and the increase of joint activities in inter-State law enforcement collaboration;

(h) The development of effective financial mechanisms to trace the proceeds of illicit activities;

(i) The development of subregional or regional "judicial spaces", with a view to exploring the possibilities for their expansion, in accordance with particular and specific emerging needs;

(j) The inclusion of international and transnational crimes in national legislation, in particular with a view to eliminating safe havens;

(k) Development of the means to prevent, detect and prosecute abuses of power by public officials and other forms of corrupt behaviour;

(l) The development of education and training programmes in international criminal law at the level of legal education, as well as within public agencies;

(m) The development of specialized education and training of judges, prosecutors and law enforcement officials in the areas of transnational crime, money laundering and other economic offences, including corruption, and elaboration of the required training material;

(n) The development of regional centres to increase the availability of specialized library material, documents and research results, with the capacity to provide technical legal advice to countries of the region;

(o) Acceptance of the principle that all countries, regardless of how seriously they are affected by transnational crime, have to collaborate and share information on its nature and extent, to facilitate appropriate policy formulation and planning;

(p) The development of interfaces with existing international and regional networks such as the International Criminal Police Organization (ICPO/Interpol) and other international bodies;

(q) Strengthening of an awareness on the part of Governments and relevant national agencies of the important correlation between socio-economic development and crime control programmes, with appropriate budget and resource allocations, including international aid for crime prevention schemes.

8. Efforts should be pursued to formulate effective strategies for dealing with environmental offences. An assessment of the administrative, civil and criminal laws enforced by different countries should be made in order to identify gaps and propose appropriate remedies. Adequate attention should be given not only to the sanctioning strategies but also to the prevention of environmental abuse and the protection of the environment.

9. Efforts should be made to allow the widest possible distribution of information on stolen art objects so as to prevent their illegal sale, thereby effectively stemming the international traffic in movable cultural property.

10. In order to benefit from both successes achieved and failures, an assessment should be made of the results of cooperation already undertaken to prevent use of the banking system and financial institutions for money laundering, including successful preventive measures. Initiatives such as the development by the Council of Europe of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime, which was opened for signature on 8 November 1990, should be encouraged and efforts should be pursued to develop a multilateral agreement with universal application. The model decree for confiscation is a very practical model, which could prove extremely useful in such an application. 12/ A detailed analysis of its provisions is available from the Crime Prevention and Criminal Justice Branch.

11. Efforts should be made to gather information on corruption and anti-corruption strategies, with a view to assisting Governments in combating corruption and in providing a basis for formulating more effective policies to deal with it. Emphasis should be placed on the formulation of curricula for anti-corruption training courses, benefiting, in particular, developing countries. In addition to research, training and technical assistance in the most advanced methods of corruption control through repression, equal attention should be paid to prevention and education. The efforts of independent commissions against corruption can be useful in devising controls in public administration and in increasing public intolerance for waste and corruption. In its resolution 7, the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders specifically requested the Department of Technical Cooperation and Development to provide assistance for such outreach, requested the Secretary-General to publish in all the official languages the manual on practical measures against corruption, which had already been prepared, and requested the Crime Prevention and Criminal Justice Branch to develop a draft international code of conduct for public officials for submission to the Ninth Congress. 10/

12. Recognizing that, while bilateral and regional cooperation may provide mechanisms for specific arrangements to prevent or investigate certain types of transnational criminality, they cannot provide a comprehensive solution of matters of cooperation in combating serious forms of organized crime at the international level. Multilateral cooperation should be made more effective, through the United Nations, which has the general mandate and the international constituency necessary to provide countries with guidance and assistance in the prevention and control of transnational crime. This could be pursued in the context of a genuinely international crime and justice programme, which would be capable of responding to the challenges of such crime.

12/ See annex II.

13. United Nations surveys on crime trends should also include information on trends in transnational crime in order to permit an in-depth analysis of its scale, structure and dynamic, and of the extent of its material cost and potential social consequences. In the further development of the Global Crime and Criminal Justice Information Network, attention should be paid to the setting up of databases on transnational crime.

14. The idea of establishing a world foundation on crime prevention and assistance to victims of transnational crime should be pursued. The proposed foundation could help to identify and mobilize financial resources in support of the implementation of international crime prevention and criminal justice programmes, raise public awareness about crime trends and the rights of victims, develop innovative means of responding to technical assistance needs and provide financial support to victims.

15. The United Nations crime prevention and criminal justice programme should aim at developing the new mechanisms, procedures, conventions and institutions necessary to combat crime with transnational aspects and dimensions and to assist Governments in reducing domestic crime. For example:

(a) This could, in particular, include assistance to countries in:

(i) Gathering information on, and analysing, the incidence of crime and the efficacy of the response to crime;

(ii) Preventing crime and helping victims of crime;

(iii) Enhancing the criminal justice process through improved methods for the investigation of crime and developing pre-trial, trial and appellate review procedures;

(iv) Improving the administration of sentences and the re-integration of offenders into society and the control of recidivism;

(b) On the international level, the mandates should include:

(i) The drafting of international conventions, declarations and recommendations pertaining to the definition of international offences;

(ii) The enhancement of existing cooperative mechanisms and the development of new ones, including such mechanisms as mutual assistance and extradition;

(iii) The organization of trainee programmes for developing countries;

(iv) The drafting of model penal provisions dealing with selected offences;

(c) The mandate should further include the development and encouragement of coordinated subregional, regional and international activities from the investigative to the adjudicative stages, including ascertainment of the practicality of establishing subregional and regional penal tribunals with transferred jurisdiction, in order to meet more effectively the problems of particularly severe domestic crime and of crime transcending national frontiers;

(d) Consideration should also be given to coordination by the United Nations of cooperative arrangements at the bilateral level, including the exchange of crime prevention and criminal justice personnel, such as police officers at different levels, who could in this manner conduct comparative studies in the area of criminal investigations into drug-trafficking and other similar activities. In addition, criminal justice attachés at embassies and consulates could help each other to reach a better understanding of their countries' laws and court processes and procedures. This could be a very useful means of facilitating effective cooperation with respect to transnational crimes involving different countries;

(e) The United Nations government-appointed national correspondents should become more operational. Ideally, the function should be carried out by an office or individual in an agency or institution with responsibilities in the countries' criminal justice systems; this would permit them to ensure that action was taken when necessary and to respond accurately and with authority to United Nations inquiries;

(f) Technical cooperation, particularly at the regional and subregional levels, should be intensified through the development of technical assistance projects benefiting developing countries. Special consideration should be given to the strengthening of the operational capacity of the crime prevention and criminal justice programme and its interregional advisory services, to ensure that the most recent developments in modern technology and expertise are placed at the disposal of all Member States. Efforts should also be made to create regional advisers on crime prevention and criminal justice to provide services to the respective regions, in close contact with the regional institutes for the prevention of crime and the treatment of offenders;

(g) The United Nations crime prevention and criminal justice programme of work should be coordinated with that of ICPO/Interpol and other relevant organizations.

Annex II

PRACTICAL MEASURES AGAINST ORGANIZED CRIME, FORMULATED BY THE INTERNATIONAL SEMINAR ON ORGANIZED CRIME, HELD AT SUZDAL, RUSSIAN FEDERATION, FROM 21 TO 25 OCTOBER 1991

1. The International Seminar on Organized Crime, which was attended by leading law enforcement officials and experts from 15 countries, from the United Nations Secretariat, from the Helsinki Institute on Crime Prevention and Control, affiliated with the United Nations, from the International

Criminal Police Organization (ICPO/Interpol) and from the Office of International Criminal Justice of the University of Illinois at Chicago, formulated the following practical measures against organized crime, which are based on a distillation of their considerable experience in its prevention and control. The applicability of these measures depends on particular legal and judicial systems, on the availability of resources and on the specific manifestations of organized crime.

I. PROFILE OF ORGANIZED CRIMINAL GROUPS

2. The evolution of organized crime and the forms it takes vary from country to country, although there are common features. The formation of criminal associations is influenced by various social, economic and legal factors. It is, however, possible to single out two basic ways in which organized crime evolves in the majority of countries. These are: involvement in illegal activities (such as property offences, money laundering, drug trafficking, currency violations, intimidation, prostitution, gambling and trafficking in arms and antiquities) and participation in the legal economic sphere (directly or through parasitic means such as extortion). Such participation always tends to use illegal competitive means and can be of greater economic impact than the involvement in entirely illegal activities. In both cases criminal methods are used because the backbone of organized criminal formations is composed of criminal elements.

3. No uniform definition of organized crime has yet been developed. In essence, however, it is usually understood as being a relatively large group of continuous and controlled criminal entities that carry out crimes for profit and seek to create a system of protection against social control by illegal means such as violence, intimidation, corruption and large-scale theft. A more general description would be "any group of individuals organized for the purpose of profiting by illegal means on a continuing basis".

4. Organized crime can be divided into many types. One such type is the traditional or the Mafia-style family, where structured hierarchies, internal rules, discipline, codes of behaviour and diversity in illegal activities are common practice. Included in such organizations are the largest and most developed types of criminal groups, involved in a multiplicity of illegal activities. Another type is the professional. Members of such organizations join together for a certain criminal venture. Such organizations are fluid and not as rigidly structured as those of the traditional type. They are exemplified by entities involved in counterfeiting, car theft, armed robbery, extortion and so forth. The composition of a professional criminal organization may be constantly changing and its members may be involved in a variety of similar criminal enterprises. In addition, there are many organized groups that dominate particular territories, and others that are involved in particular types of crime.

5. There are also organized crime groups divided on the basis of ethnic, cultural and historical ties. These ties link them to their countries of origin, thus forming a major network extending beyond national borders. Exploiting the features of their origins, such as language and customs, they are able to insulate themselves from the actions of law enforcement agencies. Many organized crime groups have significant ethnic or national components and

are often commonly referred to by ethnic or national labels. Because of their prevalence and the lack of a practical alternative, these labels are used in the present document, even though such terminology involves oversimplification, risks stereotyping and can be offensive to the vast majority of law-abiding members of that ethnic group or nationality.

6. Identification of these types or organized criminal groups does not necessarily imply rigid borderlines between them. Nearly every organized criminal entity may involve a multiplicity of component features. New forms involving different elements frequently arise. Some countries, for example, have seen the emergence of urban street formations, including juvenile gangs. Organized crime is, indeed, very adaptable; it is often characterized by rapid adaptation of the forms of its activities to the national criminal justice policy and to the protective mechanisms of States. Its leaders are often individuals of great intelligence and extreme cruelty, and are true professionals in crime, making them a particular threat to society.

7. Organized crime produces social, political and economic evils. Among the social evils are the adverse effects of illegal drugs on the behaviour and health of individuals, the growth of violence involving firearms, the fear of crime, manipulation and control of bodies such as labour unions and the increased cost of purchasing goods and services. For example, in one highly developed country, the largest organized crime group has controlled four of that nation's labour unions.

8. The political effects can include infiltration into and influence over political parties and the apparatus of government, including local administrations, and corruption of politicians and state officials. This often leads to a loss of public confidence in the Government and the political process and a breakdown of consensus within society. Many countries report that members of their police forces and armed forces have been corrupted by drug traffickers. Also, assassinations of government officials, judges, mayors and law enforcement officials in certain countries have alarmed public opinion throughout the world.

9. It is not possible to identify accurately or even to estimate all the economic consequences of organized crime. It infiltrates legitimate business, tainting all those with whom it comes into contact, as well as corrupting officials whose services are required to launder illicit profits. In some countries, the profits of organized crime can be compared to those of entire branches of industry; for example, the trade in illegal drugs has been estimated to be the second largest industry in the world, by value of goods. The income of organized crime groups equals the gross national product of many countries.

10. The ability of organized crime to generate a vast supply of capital, to infiltrate legitimate business and to ruin rivals by means of control over prices represents a serious threat to the very future of any society. Legitimate commerce can be undermined by the shadow economy, with all the political and social dangers following that process. The large illicit sums infiltrating the world economy affect a country's balance of payments, the monetary system, bank cooperation, the profitability of private firms and the prices of consumer goods and services.

11. The cooperation between the largest organized criminal entities and the growing internationalization of organized crime may create a system with such economic strength that it poses a threat that many countries would not be able to counteract on their own.

II. SUBSTANTIVE LEGISLATION

12. In practically all countries, those engaged in the illegal activities of organized criminal entities are subject to criminal liability in accordance with various laws which establish certain offences, or within the framework of common law in particular categories of crimes. Long experience in organized crime control has led many countries to adopt specific statutes designed to restrict the possibilities for organized crime to flourish. These statutes are both preventive and repressive. Evidence-gathering presents considerable difficulties and there are limits to the application of sanctions and measures against the illegal activities of those involved. Legislation should be kept under review in order to ensure that it is responsive to changing circumstances.

13. It is very important that penal statutes should provide a means of establishing the criminal liability of both the actual perpetrators of a crime and the leaders of criminal entities (who are usually not directly involved in a specific crime). Unless criminal liability of the leadership or membership of criminal entities is established, it will only be possible to prosecute the lower rank of criminals, and not those who control them.

14. The danger and scope of organized crime are considerable. In some countries it may be considered advisable to enact legislation that has a direct impact on the crimes committed by members of organized crime enterprises. Such legislation would be directed not against any specific criminal act but against all serious crimes committed in a concerted manner by a group of individuals acting together for a common purpose. It may also be considered advisable to enact legislation prohibiting membership in a criminal association. It is advisable to specify in such legislation the elements of the offences committed by organized criminals and the factors that aggravate their seriousness.

15. To counteract effectively the laundering of proceeds of crime it is important that all countries adopt norms for banking and financial institutions and establish criminal liability in order to enable them to comply with the provisions of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 13/ adopted in 1988. Other instruments not limited to drug trafficking, such as regional conventions and model regulations, may also be of value.

16. One approach is to create an obligation to report to competent bodies every financial transaction in excess of an amount stipulated by the legislation, or an obligation to report every suspicious transaction. The establishment of criminal liability in case of failure to abide by such obligations will be of great assistance in combating money laundering. A

13/ E/CONF.82/15 and Corr.2.

proper inquiry into particularly suspicious transactions can be initiated on the basis of reports received, and reports can be used by investigators seeking to piece together how a criminal organization handles its flow of money. The reports also can serve the important function of corroborating the testimony of cooperating witnesses and they may bring to the attention of investigators a geographical region that has suddenly shown an increase in sizeable financial transactions (indicating that the area may have become the object of organized crime activities), or a bank where there have been suspicious developments in financial transactions. Appropriate international mechanisms should be developed for the exchange of such information.

17. The success of efforts to combat the laundering of "black money" directly depends on how accessible the activities of financial bodies are to the law enforcement agencies. The problem here is that opening up the activities of the financial bodies of any country to outside scrutiny can affect their competitive position. The activities of organized crime can, however, undermine an entire society. Furthermore, the money derived from organized crime often circulates through the same channels as money concealed from the taxation authorities. In view of this, it is vital for the banks to maintain records of the identity of their clients, and to cooperate with law enforcement agencies whenever there are suspicious deposits or other transactions. It may be necessary to strengthen mechanisms of control over banking operations and even to centralize information of this kind. Governments should encourage banks to take as much responsibility as possible for the controls on criminality.

18. At present, money laundering is considered as a crime in some countries only. This gives international organized crime the chance to benefit by using the banking and other services of countries that lack such legislation. All countries should therefore include in their criminal codes a crime of "money laundering", in accordance with the provisions of article 3 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. 13/ Consideration should be given to ensuring that such legislation embraces all proceeds of organized crime.

19. Corruption greatly facilitates the activities of organized criminal groups. In view of this, many countries have enacted special anti-corruption legislation. The fight against organized crime would be greatly assisted if all countries were to follow the anti-corruption recommendations adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders 10/ and make appropriate use of the manual on practical measures against corruption 14/ approved at that Congress. It is important that countries take steps to prevent organized crime groups from corrupting individuals and organizations in the economic and financial sectors, particularly in such areas as State contracts and trade services.

20. A crime committed by an organized group may be considered an aggravated one. The criminal codes of many countries define the commission of a crime by an organized group as a qualifying feature.

14/ A/CONF.144/8.

21. In addition to the traditional sanctions of incarceration or fines that may be imposed upon conviction, consideration should be given to other sanctions designed to deter organized criminality. Some countries use judicially imposed limitations on property, residence, association and daily activities of persons formally adjudged to be criminally dangerous, often taking past convictions into account. The granting of licences and public contracts may be conditional on the absence of criminal connections and proof of good reputation. Individuals and legal entities engaged in economic or financial activities involving great risk to the public, for example deposit-taking institutions or those that deal with toxic waste, should be subject to sufficiently severe and sufficiently enforced regulation to prevent wrongdoing, in particular since penal punishments rarely provide proper compensation for victims. Particular attention must be paid to the deterrence and punishment of misconduct by legal entities, such as multinational and other corporations. Individual executives may frequently be beyond national jurisdiction and personal responsibility may be difficult to establish. Criminal punishment of the entity itself, by fine or by forfeiture of property or legal rights, is used in some jurisdictions against corporate misconduct.

22. Crimes committed for economic gain can be successfully countered by the forfeiture of such gains and of any other assets of the individuals and organization involved. In some legal systems, great significance is attributed to the freezing, seizure and confiscation of assets related to illegal activity. The need for more effective organized crime control makes it necessary to regard forfeiture as a strategic weapon, an economic method of discouraging organized crime activities and the means of eliminating the financial advantages of such antisocial activities.

23. The procedures for freezing, seizure and confiscation should be broad in their scope and permit the confiscation of a wide range of assets of an offender. The State should be able to eliminate all gain to offenders from their criminal activity. A subsidiary benefit of such action is that law enforcement agencies may be allowed to use confiscated assets or funds to further the activities of the agency. This can be a powerful incentive. International agreements may provide for the sharing of such assets.

24. In dealing with organized crime, it is appropriate to have the following types of assets subject to confiscation: (a) any property constituting the proceeds of organized criminal actions and any assets obtained with the help of these proceeds; and (b) any property used or intended to be used, in any manner or part, to commit or facilitate the commission of a crime by an organized group, including land, buildings and other private property.

25. Consideration may be given to allowing certain evidentiary rules to be used in the procedures for confiscation of the assets of criminals involved in organized crime. For example, if it is proved that defendants had acquired assets during the time they were committing offences for which they had been convicted, and there is no other likely method by which they could have acquired the assets, then it may be reasonably inferred that the assets are the proceeds of crime. In the drafting of legislation related to such confiscation, whether preventive or repressive, the liberty and property rights of individuals must be protected in accordance with national constitutional principles.

III. PROCEDURAL LEGISLATION

26. In many countries criminal procedures oblige the court, prosecutor, investigator and police, as appropriate, to carry out investigations within their power whenever there are indications that a crime has been committed. There may, however, be discretionary powers that allow the law enforcement agencies to choose not to investigate a crime or to initiate a prosecution. Where this discretion exists it is often used by investigators when working with informants from criminal circles. Its use requires a high degree of professional responsibility on the part of investigators. Legal systems should be encouraged to recognize the possibility, in some cases, of granting minor criminals immunity from prosecution for their acts, for the purpose of disclosing the leaders of organized criminal groups.

27. The criminal laws of many countries specify the elements that must be established to prove that an offence has been committed. These may include: the act of committing a crime; the defendant's guilt and motives for the crime; any aggravating or extenuating circumstances, including the defendant's record, and the nature and amount of damage inflicted by crime. Evaluation of the evidence is carried out by the official performing the investigation, the prosecutor, and finally by the court. In practice, there is no difference in the standard of evidence required in respect of crimes committed by organized crime groups against other crimes.

28. Deciding on the verdict must remain a task for the authority exercising judicial powers over serious offences committed by organized crime. In doing so, the principle of the presumption of innocence must be followed.

29. The experience of many countries suggests that it may be advantageous to use information obtained with the help of electronic surveillance, undercover agents, controlled delivery of drugs, the testimony of accomplices and other methods of preliminary investigation as evidence. The acceptability of such methods of preliminary investigation should be limited by strict observance of legal requirements and criminal procedural principles.

30. The use of the testimony of accomplices can be extremely helpful in prosecutions involving organized crime. Careful assessment and use of such testimony can enable the law enforcement process to penetrate the layers of secrecy that are characteristic of criminal organizations and would otherwise protect them from prosecution. Some countries also find it advantageous to enact legislation obliging witnesses to testify truthfully and providing for sanctions if they refuse to do so.

31. The restriction of the liberty of the defendant prior to conviction is frequently allowed by law when there are specified grounds. The main form of such restriction of liberty prior to conviction is pre-trial detention. This can be ordered if it is appropriate in view of the seriousness of the case and the possible sentence upon conviction and for other reasons such as the possibility that the defendant will seek to evade justice or has tried to escape the possibility of concealment of evidence, or the possibility that the defendant will commit further offences or otherwise be a danger to the community.

32. It may be appropriate to have conditional release provisions, so that a defendant who has been accused of an offence could be released upon the payment of a certain sum of money unless the judicial authorities believe that pre-trial detention is necessary. The question whether a criminal may be released on bail should normally be a matter for a judicial or other competent body but the financial resources of an organized criminal often make release inexpedient. The appropriateness of granting conditional release and other benefits in cases of organized criminality must be evaluated with regard to the criminal record of the accused and the gravity of the accusation.

33. Provisions for the protection of witnesses are of great importance in combating organized crime. It is therefore recommended that national system of criminal justice pay close attention to provisions, programmes and any legislation aimed at providing for the security of a witness. In particular, they should consider adopting measures for the protection of witnesses that allow for the relocation and change of identity of those witnesses, along with their physical protection if a threat is posed by a defendant and the defendant's associates. This can necessitate making arrangements to provide the witnesses with documents enabling them (and their families) to establish a new identity, with temporary housing, providing for the transportation of household furniture and other personal belongings to a new location, subsistence payments, assisting them in obtaining employment, and providing other necessary services to help the witnesses to lead a full and normal life. In considering the type of protection to be provided, the financial circumstances of a country must be taken into account. In addition, provision should be made for the safe custody of incarcerated witnesses, including separate accommodation. Legislation may also be necessary to deal with the practical problems that can arise in connection with relocated witnesses, such as child custody disputes and crimes committed in the witnesses' new identities.

IV. LAW ENFORCEMENT METHODS

34. If effective action is to be taken against organized crime, the law enforcement authorities need to be able to predict and detect organized crime activity. This requires the systematic collection and analysis of all relevant information from all sources in order to make it possible to produce and use intelligence for both strategic and tactical purposes. The methods employed for the collection and utilization of such information may be authorized and controlled by legislation. Even so, it is important that the technical facilities and techniques that the law enforcement authorities are allowed to use should always be sophisticated enough to enable them to match those employed by organized crime.

35. The production of intelligence requires the collection, collation and analysis of a wide range of information on the persons and organizations suspected of being involved in organized criminal activity, often including information that at first sight is not directly related to organized crime. There may be no rigid borderline between strategic and tactical intelligence but the main aim of tactical intelligence is to help in the planning of particular police operations and to identify the sources for obtaining the evidence that makes it possible to arrest a suspect and to prove guilt. Trained intelligence analysis greatly increases the effective application of

law enforcement intelligence. It is important to note that there is often a need to continue the collection of information at all appropriate stages of the legal process. Intelligence should always be collected in such a manner that, even years later, it can be retrieved and used as evidence.

36. Where resources permit, computerized information systems may be of particular benefit in combating organized crime. Computers should be used to store information both on the persons and organizations suspected of being involved in organized criminal activity and on the crimes committed or being planned. Where there are different law enforcement agencies collecting information on organized crime, arrangements need to be made to allow an exchange of information, for example between local and national (or federal) authorities, and between local police forces in different areas. Careful attention must be paid to the compatibility of computerized systems, and the convertibility of manual systems to computerized systems. Creation of a centralized data bank may be appropriate in some countries. This information can be shared internationally on the basis of agreements. Technical assistance in criminal intelligence systems may be of mutual benefit to developing and developed countries.

37. Particular attention should be paid to information from confidential police sources, including prisoners. Further important intelligence will come from other sources, however, including open sources and international liaison. In particular, financial and taxation bodies, when permitted to do so, may be of great assistance in organized crime control, as they frequently find themselves directly in contact with organized groups when these groups seek to use the proceeds of criminal activity. Legislative inquiries and official and public records may also be of value. An essential resource in the effective investigation of organized crime is the capability to collect complicated financial and commercial information and present it in an intelligible manner as evidence. Information concerning forfeitable assets should also be collected, so that such property can be forfeited and made available for police use.

38. The infiltration of organized crime into legal enterprises and any contacts it may make in political circles can create a superficial respectability, facilitate corruption and be used by criminals to hinder investigation of their activities. Therefore, law enforcement agencies, when collecting various data on the criminal activity of a particular person or organization, should try to obtain the most comprehensive intelligence picture possible. The law enforcement agencies should adopt a range of measures, which may include the following:

(a) Developing intelligence, through informants, searches and other techniques, to uncover large-scale organized criminal enterprises;

(b) Determining the factors and conditions that facilitate the development of organized criminal activity;

(c) Providing for centralized collection, storage and analysis of information (including use of criminal organization charts) and for the tactical application of such information;

(d) Ensuring cooperation with law enforcement authorities and other bodies involved, using a multi-agency approach;

(e) Studying other countries' experience of organized crime control;

(f) Developing, on the basis of the above factors, an integral criminal policy of legislation, allocation of resources and mobilization of public support.

39. To lift the veil of secrecy, conspiracy and fear-induced silence of possible witnesses, as well as to understand how the criminal communities function, who directs their activity, where their illegal income is channelled etc., it is recommended that law enforcement bodies of all countries collect intelligence and evidence of criminal activities by undercover means. With the right safeguards, secret operations directed against organized crime can be conducted effectively through the use of undercover agents and informants, often in conjunction with the use of technical facilities to intercept and to record conversations the contents of which may facilitate the disclosure of crimes. These techniques may include wire-taps, surveillance by means of closed-circuit systems, night vision equipment etc., as well as video and audio recording of ongoing events. In some jurisdictions, such technical surveillance may be used only if other mechanisms of investigation have failed or there is no reason to think that they will lead to the desired results, or if other mechanisms are deemed to be too dangerous.

40. If extreme care is exercised with regard to the reliability of their testimony, and due account is taken of the gravity of their offence, the cooperating witnesses for the prosecution may be a valuable means of infiltrating organized crime groups. Mitigation of sentence or even dismissal of charges, where possible can motivate lesser criminals to assist in investigations of organized crime. Incorporation of such procedures into national legislation or recognized practice, together with the protective services previously discussed, may serve to attract such cooperating witnesses.

V. ORGANIZATIONAL STRUCTURES

41. Organized crime may be investigated by a variety of law enforcement agencies with different jurisdiction. In this connection, it is advisable to ensure that close coordination is maintained between central and peripheral structures and that law enforcement authorities also ensure effective liaison between intelligence and operations. In countries with federal structures, it is essential that effective mechanisms be established to ensure coordination of jurisdiction, intelligence and operations among federal policing agencies and those of other governmental units. Close coordination within and between agencies and units is essential to successful action against organized crime. A clear delineation of jurisdiction among agencies and units can contribute to a harmonious and effective working relationship.

42. When resources permit, it may be very useful to set up one or more specialized units dedicated to the investigation of organized crime, particularly in the areas of corruption, money laundering and illegal drug trafficking. There is a danger, which must be recognized, that exclusive

jurisdiction over an area of investigation may create susceptibility to corruption, and appropriate safeguards against this must be developed.

43. Within any individual law enforcement agency, a strictly centralized senior management system that can scrutinize all aspects of investigations and monitor their course is necessary to ensure that all investigations are conducted in accordance with national laws and with proper respect for human rights. It is important for senior management officials to take due account of the necessity of ensuring financial, logistical and moral support.

44. Investigators, and in particular those leading the investigation, should be selected on the basis of their ability, experience, moral qualities and dedication. The importance of basic and in-service training should not be underestimated, for prosecutors and judges as well as for policemen.

45. The relationships between investigative, prosecutorial and judicial functions vary markedly between different legal systems. To combat organized crime successfully, in any system, it is necessary for these three functions to be harmoniously coordinated. Even so, due respect must be accorded to maintaining the proper relationships between the functions.

VI. INTERNATIONAL COOPERATION

46. International experience shows that organized crime has long ago crossed national borders and is today transnational. The following crimes, in particular, are found most frequently in international dealings: drug trafficking, contraband, counterfeiting of currency, traffic in stolen motor vehicles, money laundering and traffic in minors and arms. It should be noted that aspects of the evolutionary process undergone by society may make powerful criminal organizations even more impenetrable and facilitate the expansion of their illegal activities. Therefore, international cooperation between the law enforcement agencies of all countries is vital for effective organized crime control. Law enforcement operations should pay due respect to the sovereignty of all nations. Such cooperation should be developed on a sound legal basis, created at national, bilateral and multilateral levels. While an international jurisdiction is a remote but possible goal, the easiest mechanism is often bilateral inter-State agreements. Although multilateral agreements require extensive negotiation, they can be of great use, as is the case with the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. 13/

47. In addition to cooperation in legal matters, effective international action against organized crime can be promoted through bilateral and multilateral cooperation in training, technical assistance and research, and through the exchange of information, in particular for the benefit of developing countries. The United Nations crime and criminal justice programme provides an appropriate framework for these activities. Effective cooperation is also facilitated by making proper use of the valuable facilities and services provided by the International Criminal Police Organization (ICPO/Interpol), and by various regional and subregional arrangements.

48. Since criminal organizations are very mobile and inventive in their use of the slightest deficiencies in national laws, all States should consider

making provision to ensure that their judicial and law enforcement agencies respond adequately to requests for legal assistance from other countries. The main forms of cooperation so far established at the national level include exchange of information on organized crime in general and cooperation in specific operational matters; extradition; the transfer of a witness from one country to another; mutual legal assistance to seize and confiscate the proceeds of illegal activities and other assets; and the provision of training and assistance to other police forces, especially for combating illegal drug trafficking.

VII. EVALUATION

49. In order to determine the appropriate level of the law enforcement response, mechanisms to evaluate the gravity of the threat posed by organized crime are needed. The current state of knowledge demonstrates considerable lack of precision in this regard. Some countries have attempted to quantify the financial harm caused by organized crime but these have remained only estimates. More extensive and rigorous research in this area may be of value to legislators and governmental administrators, who have to make appropriate decisions on the allocation of resources to combat organized crime.

50. The prevention and control of organized crime should not remain a matter for the law enforcement authorities alone. It requires broad cooperation with other authorities, the business community, civic organizations and the community as a whole. Mobilization of the public to participate in this work requires educational measures and the responsible cooperation of the mass media to reveal the harm caused by organized crime and its dangers to individuals and to society, and to stimulate public participation in the struggle to defeat it.

DRAFT RESOLUTION III

Preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders*

The Economic and Social Council,

Considering that, pursuant to General Assembly resolutions 415 (V), annex, of 1 December 1950 and 46/152, annex, of 18 December 1991, the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders is to be convened in 1995,

Recognizing the significant contributions of the United Nations congresses on the prevention of crime and the treatment of offenders to the promotion and strengthening of international cooperation in crime prevention and criminal justice,

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* For the discussion, see chap. IV.

Bearing in mind the new role of the congresses stipulated in paragraph 29 of the Statement of Principles and Programme of Action annexed to General Assembly resolution 46/152,

Taking note of the note by the Secretary-General on the preparations for the Ninth Congress, 15/

1. Decides that the following topics could be included in the provisional agenda for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, as recommended by the Commission on Crime Prevention and Criminal Justice at its first session:

(a) International cooperation and practical technical assistance for strengthening the rule of law: promoting the United Nations crime prevention and criminal justice programme;

(b) Action against national and transnational economic, organized and environmental crime: national experiences and international cooperation;

(c) Criminal justice systems: management and improvement of police, prosecution, courts and corrections;

(d) Crime prevention strategies, in particular as related to crimes in urban areas and juvenile and violent criminality, including the question of victims: assessment and new perspectives;

2. Requests the Commission at its second session to finalize the provisional agenda for the Ninth Congress and to make its recommendations to the Council, taking into account the following:

(a) The Ninth Congress should deal with a limited number of precisely defined substantive topics, which should reflect urgent needs of the world community;

(b) The final selection of those topics should be made in accordance with the priorities set by the Commission;

(c) The holding of action-oriented research and demonstration workshops related to the topics mentioned in paragraph 1 above, as part of the programme of the Ninth Congress, and ancillary meetings associated with its provisional agenda;

3. Requests the Secretary-General to prepare a discussion guide for the consideration of the Commission, including proposals for the workshops in cooperation with the interregional and regional institutes for the prevention of crime and the treatment of offenders, and invites Member States to be actively involved in that process;

4. Also requests the Secretary-General to prepare draft rules of procedure for the Ninth Congress, taking into account:

15/ E/CN.15/1992/5.

(a) The terms of reference of the United Nations congresses on the prevention of crime and the treatment of offenders, stipulated in the Statement of Principles and Programme of Action annexed to General Assembly resolution 46/152;

(b) The need for all draft resolutions on the selected topics to be submitted well in advance of the Ninth Congress;

5. Invites the regional commissions, interregional and regional institutes for the prevention of crime and the treatment of offenders, government-appointed national correspondents in the field of crime prevention and criminal justice, specialized agencies and other entities within the United Nations system, the intergovernmental organizations concerned and relevant non-governmental organizations in consultative status with the Economic and Social Council to become actively involved in the preparations for the Ninth Congress;

6. Requests the Secretary-General to facilitate the organization of the following:

(a) Ancillary meetings of non-governmental organizations in consultative status with the Economic and Social Council, held at the site of the Ninth Congress, to deal with issues relating to substantive items of the provisional agenda for the Ninth Congress, in accordance with existing legislative regulations;

(b) Meetings of professional and geographical interest groups held at the site of the Ninth Congress;

7. Also requests the Secretary-General to provide the United Nations crime prevention and criminal justice programme with the resources necessary to undertake, in an effective and timely manner, within the overall appropriations of the programme budget for the biennium 1992-1993 and adequate resources for the biennium 1994-1995, the preparatory activities for the Ninth Congress, as directed by the Commission, including the organization of regional preparatory meetings;

8. Further requests the Secretary-General to provide resources, as required, in accordance with established United Nations budgetary practice, within the overall appropriations of the programme budget for the biennium 1992-1993 and adequate resources for the biennium 1994-1995, to ensure an appropriate programme of public information related to the preparations for the Ninth Congress;

9. Takes note with appreciation of the offer of the Government of the Islamic Republic of Iran to act as host for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

B. Draft decision

2. The Commission for Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft decision:

Report of the Commission for Crime Prevention and Criminal Justice on its first session and provisional agenda and documentation for the second session of the Commission*

The Economic and Social Council:

(a) Takes note of the report of the Commission for Crime Prevention and Criminal Justice on its first session, and endorses the resolutions and decisions adopted by the Commission;

(b) Approves the provisional agenda and documentation for the second session of the Commission as set out below.

PROVISIONAL AGENDA AND DOCUMENTATION FOR THE SECOND SESSION OF THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

1. Election of officers.

(Legislative authority: rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council and Commission decision 1/101)

2. Adoption of the agenda and organization of work.

(Legislative authority: Economic and Social Council resolution 1992/1; rules 5 and 7 of the rules of procedure)

3. Review of priority themes:

(a) National and transnational crime, organized crime, economic crime, including money laundering, and the role of criminal law in the protection of the environment;

(b) Crime prevention in urban areas, juvenile and violent criminality;

(c) Efficiency, fairness and improvement in the management and administration of criminal justice and related systems, with due emphasis on the strengthening of national capacities in developing countries for the regular collection, collation, analysis and utilization of data in the development and implementation of appropriate policies.

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* For the discussion, see chap. V.

Documentation

Report of the Secretary-General on the survey of activities carried out in the field of crime prevention and criminal justice within the United Nations system and by relevant intergovernmental and non-governmental organizations, including at the regional level (legislative authority: E/CN.15/1992/L.4/Rev.2, paras. 21, 22, 26 and 29)

Report of the Secretary-General on the impact of organized criminal activities upon society at large (legislative authority: E/CN.15/1992/L.6/Rev.2)

Report of the Secretary-General on control of proceeds of crime (legislative authority: E/CN.15/1992/L.11)

4. Technical cooperation.

Documentation

Report of the Secretary-General on the need to identify the most practical course of action to fully operationalize the United Nations crime prevention and criminal justice programme and enable it to respond to the specific needs of Governments, including financial possibilities (legislative authority: E/CN.15/1992/L.4/Rev.2, paras. 28 (b), 32)

Report of the Secretary-General on options and recommendations for the creation of an appropriate mechanism, such as a foundation, to mobilize human, financial and other resources (legislative authority: E/CN.15/1992/L.6/Rev.2)

5. United Nations standards and norms in the field of crime prevention and criminal justice.

Documentation

Report of the Secretary-General on existing United Nations standards and norms, which serve as recommendations to Member States in the field of crime prevention and criminal justice, including and in the light of their use and application (legislative authority: E/CN.15/1992/L.4/Rev.2, para. 33)

6. Preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

Documentation

Report of the Secretary-General on progress made on the preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (legislative authority: E/CN.15/1992/L.9/Rev.1)

Draft discussion guide (legislative authority: E/CN.15/1992/L.9/Rev.1)

Draft provisional rules of procedure (legislative authority: E/CN.15/1992/L.9/Rev.1)

7. Cooperation and coordination of activities with other United Nations bodies.

Documentation

Report of the Secretary-General on cooperation and coordination of activities with other United Nations bodies (legislative authority: E/CN.15/1992/L.4/Rev.2, paras. 16-18)

Report on the activities of the United Nations Interregional Crime and Justice Research Institute and other institutes (legislative authority: E/CN.15/1992/L.4/Rev.2, para. 13)

8. Implementation of Economic and Social Council resolution 1992/___ .

Documentation

Progress report of the Secretary-General on the implementation of Economic and Social Council resolution 1992/___ (legislative authority: E/CN.15/1992/L.4/Rev.2, para. 34 and E/CN.15/1992/L.3)

9. Provisional agenda for the third session of the Commission on Crime Prevention and Criminal Justice.

10. Adoption of the report of the Commission on Crime Prevention and Criminal Justice.

C. Resolutions calling for action by the Council

3. The following two resolutions adopted by the Commission call for action by the Economic and Social Council:

Resolution 1/1. Strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations crime prevention and criminal justice programme*

The Commission on Crime Prevention and Criminal Justice,

1. Asserts its role as the principal policy-making body in the field of crime prevention and criminal justice, with responsibility for coordinating all relevant activities in this field;

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* For the discussion, see chap. II.

2. Acknowledges with appreciation Commission on Human Rights resolution 1992/31 of 28 February 1992 16/ and Commission on Narcotic Drugs resolution 11 (XXXV) of 15 April 1992; 17/

3. Decides to cooperate closely with the Commission for Social Development, the Commission on Human Rights, the Commission on Narcotic Drugs, the Commission on the Status of Women, the International Law Commission and specialized agencies, including the United Nations Educational, Scientific and Cultural Organization, whose activities may have crime prevention and criminal justice aspects, so as to coordinate activities in this field,

4. Decides that, in determining the priorities and supervision of the United Nations crime prevention and criminal justice programme, it should follow the directives contained in paragraphs 21 and 22 of the Statement of Principles and Programme of Action annexed to General Assembly resolution 46/152 of 18 December 1991, as further elaborated in the annex to the present resolution.

Annex

Strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations crime prevention and criminal justice programme

I. SETTING AND MAINTAINING PRIORITIES

A. Background

1. The Commission on Crime Prevention and Criminal Justice was established as a result of a lengthy review of the development of the United Nations programme in this field between 1948 and the convening of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders at Havana in 1990. The review was initiated at the ninth session of the Committee on Crime Prevention and Control in 1986.

2. The review was undertaken because of perceived inadequacies in the programme, particularly in relation to resource organization and structural restraints coupled with the absence of a structured system of goals and priorities. The report entitled "The need for the creation of an effective international crime and justice programme" (E/1990/31/Add.1) was approved by the Committee on Crime Prevention and Control at its eleventh session, held at Vienna in 1990. In that report, which formed the basis of the reform process, it was stated that:

16/ Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

17/ Ibid., Supplement No. 5 (E/1992/25).

(a) Crime was increasing at a global average of 5 per cent per annum, well beyond the rise in population growth;

(b) There were extensive changes in the nature and scope of crime;

(c) Developed countries devoted 2-3 per cent of their budgets on crime prevention and criminal justice, whereas the comparable figures for developing countries were 9-14 per cent;

(d) While the United Nations had the general mandate and international constituency to make a significant contribution to assisting States in the fight against crime, it lacked the organizational and resource capacity to do so;

(e) The absence of a structured system of goals and priorities had led to a diffused, unstructured and unprioritized "programme", with a resolution-oriented emphasis on programme development and a lack of emphasis on programme implementation;

(f) The high level of crime and the associated costs inhibited countries from meeting their social, cultural, economic and development goals.

3. The above-mentioned report called for the holding of a summit or ministerial meeting on international cooperation in crime prevention and criminal justice to achieve improved means of international coordination in resolving crime prevention and criminal justice problems and, specifically, to focus attention on programme implementation.

4. The report was subsequently endorsed by the Eighth Congress. 18/ The General Assembly, in resolution 45/108 of 14 December 1990, established an intergovernmental working group which, on the basis of the report of the Committee, was to elaborate proposals for the creation of an effective crime prevention and criminal justice programme. The Intergovernmental Working Group on the Creation of an Effective International Crime and Justice Programme met at Vienna from 5 to 9 August 1991.

5. Also pursuant to General Assembly resolution 45/108, the conclusions of the Intergovernmental Working Group were considered by the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, held at Paris from 21 to 23 November 1991. The conclusions of the Ministerial Meeting, with minor modifications, were adopted by the General Assembly in its resolution 46/152 of 18 December 1991.

6. The General Assembly, in its resolution 46/152, inter alia, sought to provide a clearer definition of the United Nations mandate with regard to crime prevention and criminal justice. The annex to the resolution also

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18/ See Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. IV.

stressed the unanimity about the need to establish a new and vigorous United Nations programme, called for the establishment of the Commission on Crime Prevention and Criminal Justice and emphasized the need to strengthen its secretariat resources.

B. Purpose

7. The newly established Commission on Crime Prevention and Criminal Justice is charged with developing, managing, monitoring and reviewing the implementation of the United Nations crime prevention and criminal justice programme. This is a major undertaking which can be frustrated by a number of factors. Among these are a continuing uncertainty as to what resources are to be available for the programme and the extent to which the Commission can control their use, conflicting pressures to include certain activities, lack of time to consider the various options and lack of an effective mechanism for implementation.

8. It should be noted that the needs are many and that resources will never be adequate to address them all. The Commission must be realistic and accept that not all expectations can be met all the time, and that some matters will have to be deferred until other priority objectives are met. That, however, places a heavy responsibility on the Commission to ensure an appropriate balance whereby the most pressing priorities of both developing and developed countries are met, linked to a balance between programme development and programme implementation.

9. The present annex provides suggestions on how the principles of strategic management could be incorporated in the Commission's work.

C. The elements of strategic management

1. Outline

10. Strategic management of the programme requires that the Commission agree on the following:

(a) The general goals of the programme, with regard to both programme development and implementation (its mission);

(b) The needs to be met;

(c) The capacity available to meet those needs;

(d) The objectives for programme development;

(e) The specific activities to be carried out to promote the achievement of those objectives;

(f) The mechanisms to be used in determining the objectives and the specific activities;

(g) Measures for promoting programme implementation;

(h) Measures for evaluating programme accomplishments.

2. The general goals

11. According to paragraphs 15 and 16 of the Statement of Principles and Programme of Action annexed to General Assembly resolution 46/152, the programme is designed to contribute to crime prevention and control, both nationally and internationally, to the strengthening of international cooperation and to the improvement of the quality of criminal justice. Those two paragraphs constitute the general goals of the programme as a whole. More specific objectives should be defined in the light of the resources and of other constraints on the programme (paras. 17 and 18 below).

12. As for the values underlying the programme, paragraph 16 of the annex to General Assembly resolution 46/152 refers to due respect for human rights and the promotion of the highest standards of fairness, humanity, justice and professional conduct. Here there is a modest degree of specificity, as reference can be made to an ever-growing set of standards and norms.

3. The needs

13. The question of needs and how to meet them is best addressed by looking at three aspects: substantive issues, methods and actors.

14. The substantive issues can be classified according to the sectors in question: crime prevention, victim assistance, policing (e.g., capital, physical and equipment needs; specialized units; policy-community relations), development of the criminal justice system (e.g., mechanisms for inter-jurisdictional cooperation, pre-trial procedures, prosecution, court organization and the independence of the judiciary), sentencing and corrections. They can also be classified according to crime categories of particular concern, such as violent crime, economic crime, corruption, organized crime, environmental crime, terrorism and other transnational crime. An additional broad category is the development of the quality of service delivery by the criminal justice system, including the promotion of human rights.

15. The methods to be used in meeting such needs are noted in paragraph 17 of the annex to General Assembly resolution 46/152. Essentially, these methods include research, the exchange and dissemination of information, training and the upgrading of skills, and technical cooperation, including advisory services. They should also include a determination of what is being done by other bodies so as to foster greater coordination. For example, if the Commission were to compile an inventory of what is being done by whom, it would be able to focus on specific needs and to utilize appropriate contributions. The Commission should also utilize the United Nations congresses on the prevention of crime and the treatment of offenders to assist in those tasks.

16. The actors with a potential to meet these needs are Member States, the United Nations, including the United Nations congresses and institutes, intergovernmental and non-governmental organizations and individual experts.

4. The capacity

17. In developing and monitoring the programme, the assets currently available to service the Commission consist of 11 Professional and 6 General Service posts in the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs and a biennial operational budget (excluding salaries) of about US$ 150,000 (including consultants, ad hoc meetings, travel and external printing). 19/

18. Other elements that the Commission should consider include the network of United Nations institutes 20/ and the network of government-appointed national correspondents, the roster of "qualified and experienced experts", referred to in paragraph 28 of General Assembly resolution 46/152, the contribution of intergovernmental and non-governmental organizations, the United Nations Criminal Justice Information Network, the International Scientific and Professional Advisory Council and the World Criminal Justice Library Network.

5. Specific objectives

19. As noted above, the goals of the programme and the needs it is to address have not yet been defined in detail. Unless a method is developed for determining more specific objectives, the Commission (and the Secretariat) will be confronted with a large number of well-meaning mandates, but would lack any means of determining their relative importance or of monitoring their implementation. In short, the reform process leading to the creation of the Commission would be rendered inoperative and the Commission would not be able to maintain its credibility.

19/ According to the proposed programme budget for the biennium 1992-1993, the estimate for these two years is $3,284,900. Of this, almost two thirds ($2,091,400) goes to established posts and most of the rest goes to common staff costs and temporary assistance. In addition, there are extrabudgetary resources for the biennium estimated at $561,000 (Official Records of the General Assembly, Forty-sixth Session, Supplement No. 6 (A/46/6/Rev.1)).

20/ The United Nations Interregional Crime and Justice Research Institute has 10 Professional and 18 General Service posts and an operational budget (1992) of $2.8 million. The regional institutes vary considerably in status, size, budget and work. The newly established International Centre for Criminal Law Reform and Criminal Justice Policy is still developing its resource base. (The structure of the budget of the United Nations Secretariat and the various institutes are not necessarily the same. Thus, all figures should be regarded as indicative only.)

20. The Commission, in accordance with the priority principles set out in the annex to General Assembly resolution 46/152, must therefore decide on more specific objectives within priority areas in the programme. For example, one general goal is to contribute "to crime prevention nationally and internationally". A more specific objective would be to devise strategies to reduce the incidence of domestic violence or to reduce the illegal international trade in firearms. Another example is the general goal of "contributing to the control of crime nationally and internationally"; a more specific objective would be to improve the efficacy of the police investigation of organized crime, to promote a treaty on money laundering or to improve inter-jurisdictional mutual assistance in criminal matters.

21. Because the programme has limited resources, the number of specific objectives should be realistic. The Commission should develop both medium-term and short-term action plans. The medium-term action plan could span six years and the short-term action plan could span two years, thereby corresponding to the cycles of the medium-term plan and the programme budget, respectively.

22. The short-term action plan should be closely linked to the agenda of subsequent sessions of the Commission. For example, the agenda of each session could include only five substantive items. These five items would set the objectives for that biennium.

23. Working on the basis of a two-year action plan would allow for a rolling process of agenda-setting; at any one time, the programme would focus on 10 specific objectives.

24. Clearly, not all issues of importance would fit within these 5 or 10 objectives. The agenda of each session would also include some standing items, such as a review of long-term activities (for example, various technical cooperation projects or the development of the United Nations Criminal Justice Information Network). This would allow for a proper mix of short-term and medium-term projects.

25. Flexibility must, however, be retained. If an emergency area warrants higher priority, the Commission must be able to lower the priority being given to another area.

26. Before determining new objectives, an assessment is needed of what work has already been done. The most visible aspect of the United Nations work in crime prevention and criminal justice has been the adoption of resolutions. Several dozen resolutions have been adopted, covering virtually all issues relevant to crime prevention and criminal justice.

27. Other activities that the programme has carried out include the development of model agreements, surveys, research, the establishment of the United Nations Criminal Justice Information Network and the development of manuals on issues such as national criminal statistics, crime prevention measures, the prevention of corruption, and assistance to victims of crime. In addition, a broad range of activities involving, among other things, training courses, research and advisory services, are provided by the programme, including the network of institutes.

28. It should be noted that the Commission, while not bound by pre-existing mandates, must nevertheless assess them by applying the principles of the programme priorities contained in the annex to General Assembly resolution 46/152.

6. The specific activities

29. Once the objectives have been determined, the Commission would then identify specific activities that would promote their achievement. These activities could be, for example, the arrangement of a meeting, the performance of research, the preparation of a manual or the development of guidelines. Ideally, several activities could be carried out in pursuit of any one objective, and the outcomes would cross-fertilize one another.

30. Thus, if the Commission determines that one objective is to enable countries to increase the effectiveness of their criminal justice system in the control of environmental pollution, the specific activities could include a research project comparing the effectiveness of different approaches in control, the organization of an expert meeting on the sentencing of persons and corporations guilty of criminal pollution, the preparation of guidelines on the prevention of the international dumping of hazardous wastes, and the organization of training courses for law enforcement agencies in the investigation of cases involving pollution.

31. The specific activities would be designed to contribute to the discussion on substantive agenda items of subsequent sessions of the Commission. The discussion would be opened by the presentation of the results of the work that has been carried out; ideally, each agenda item would benefit from the outcome of more than one such activity. The Commission would then seek to draw conclusions, and suggest possible further action, which would serve to ensure a focus on continuity and implementation within the framework of the programme.

7. The mechanisms for determining the objectives and the specific activities

32. Drawing on the criteria for priority-setting contained in paragraph 21 of the annex to General Assembly resolution 46/152, proposals for specific activities could outline why they are to be carried out, what is to be done, when and by whom they are to be undertaken, what resources are available and what additional resources may be required.

33. The proposals should also define what is to be deemed a successful outcome and should, as far as possible, identify objective qualitative and quantitative criteria for assessing the success in implementation. [21]

34. This does not mean that the burden of providing the statement of objectives and activities, including the statements as to why the activity is to be carried out, what is to be done, when, by whom and with what resources, must necessarily be borne by the proponent. Indeed, some countries may not have the expertise or means to do this. In such cases, where the Commission is satisfied that a proposal merits consideration but requires further refinement, it might refer it to the Secretariat to reformulate the proposal in such a way as to permit the Commission to make informed judgements on it.

35. If the proposals are dealt with in this manner, it should then be a relatively simple matter to judge the impact of the activities proposed on the work programme, and see what must be deferred until further resources become available. This judgement would be tentative, as the Commission does not have the authority to decide on United Nations budgetary matters. The Commission could consider establishing a standing representative working group or, alternatively, authorizing its bureau to exercise oversight over the programme and to expedite action on implementation in the context of additional resources which may become available. The bureau could also serve to review the provisional agenda for the upcoming session of the Commission, ascertain that the necessary documentation is on track, and review implementation of the decisions of the previous Commission session(s).

D. Implementation of the programme

36. The programme has to a large extent been resolution-oriented. Presumably, if the Commission begins to focus more on specific objectives and concrete activities, a better balance can be achieved between programme development and implementation. Some of those activities may represent only an intermediate step in implementation. For example, a report or a manual can be useful in gathering and presenting information; however, if this manual is not disseminated and used, implementation will not be achieved.

37. As reflected in the annex to General Assembly resolution 46/152, one principal way to achieve implementation is by providing, on request, technical assistance and advisory services, particularly to developing countries. The

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[21] For example, the Government of Australia has stipulated that new policy proposals can be funded only if an evaluation mechanism is built in, making it possible to assess the outcome. Examples of indicators of success in seeking a specific objective would be the number of law enforcement officers equipped or trained in the intended way, the number of countries cooperating in a particular scheme or exchanging reliable comparative data, or the proportion of practitioners familiar with the provisions of certain United Nations standards and norms. More ideally, indicators of success could be a reduction in certain types of crime or a surveyed increase in a sense of confidence or security. Indicators of success in completion of a task would be its completion to an acceptable standard, on time and within budget.

provision of these is resource-intensive and the resource implications raised in the annex have not yet been addressed by the General Assembly. To keep the focus on implementation, the proposals for activities should also set out ideas for follow-up action, indicating how success or failure is to be assessed. Monitoring of implementation requires some standardization of procedures. Reports should be relatively brief, with a summary of what has been done, what remains to be done, and an assessment of the success achieved in carrying out mandated activities.

II. SUMMARY

38. The Commission on Crime Prevention and Criminal Justice should approach its mandate utilizing the principles of strategic management. Accordingly, the Commission should agree on the general goals of the programme and the needs to be met, should ascertain the capacity available to meet those needs and should determine the objectives, the specific activities to be carried out, the mechanisms to be used for that purpose, and ways of promoting and assessing implementation of the programme.

39. The Commission should decide on the objectives of its work within the framework of a work programme for a specific period (for example, two years), avoiding possible duplication of activities of other United Nations entities, intergovernmental and non-governmental organizations and the expert bodies active in the field of crime prevention and criminal justice, while maximizing the use of contributions made by those bodies.

40. A limited number of objectives should be included in the work programme at any one time. The selection should be on the basis of proposals setting out the background of the issue, what is being done by other bodies, what the objective is, and what is requested of the Secretary-General. Ideally, the proposals would also set out specific activities. These proposals may be developed by or on behalf of the Commission.

41. The Commission, working in close cooperation with the Secretariat and the institutes, should decide on specific activities designed to promote each of the objectives.

42. Specific activities should be included in the work programme when the Commission is satisfied that they are adequately identified in terms of why, what, when, who and with what resources, including indicators permitting an assessment of success or failure, and follow-up activities.

Resolution 1/2. Control of the proceeds of crime*

The Commission on Crime Prevention and Criminal Justice,

Aware that the control of the proceeds of crime and money laundering is an essential element in the struggle against organized and transnational crime,

Convinced that common effective and complementary measures to control such proceeds should be adopted by all Member States,

Recalling General Assembly resolutions 45/107 and 45/123 of 14 December 1990, in which the Assembly welcomed concerted action to facilitate the seizure and confiscation of proceeds derived from criminal acts, as well as the development of more effective modalities to prevent and control the laundering of money and investment connected with criminal activities,

Recalling also General Assembly resolution 46/152 of 18 December 1991,

Recalling the recommendations contained in the Global Programme of Action adopted by the General Assembly at its seventeenth special session 22/ on measures to be taken against the effects of money derived from, used in or intended for use in illicit drug trafficking, illegal financial flows and illegal use of the banking system,

Bearing in mind the Convention of the Council of Europe on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime of 8 November 1990,

Noting the forty recommendations on strengthening the efforts of the international community in the fight against money laundering, adopted by the Financial Action Task Force established by the heads of State or Government of the Group of seven major industrialized countries and the President of the Commission of the European Communities at the fifteenth annual economic summit, held in Paris in July 1989,

Noting also the work carried out in this field by the International Criminal Police Organization,

Welcoming the international efforts already being undertaken in this field to ensure coordination and consultation, including the Council of the European Community Directive of 10 June 1991 and the model regulations concerning laundering offences connected with illicit drug trafficking and related offences, prepared by the Inter-American Drug Abuse Control Commission of the Organization of American States at its eleventh session in March 1992,

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* For the discussion, see chap. III.

22/ See General Assembly resolution S-17/2, annex.

Welcoming with appreciation Commission on Narcotic Drugs resolution 10 (XXXV) of 15 April 1992, 23/

Taking note of the recommendations contained in the note by the Secretary-General entitled "Money laundering and associated issues: the need for international cooperation", 24/

Convinced that effective global action against money laundering and related offences requires coordinated and concerted efforts,

1. Invites Member States to make every effort to modify, where necessary, their national legislation for the purpose of effectively preventing and controlling the laundering of proceeds of crime and related offences;

2. Requests the Secretary-General to examine the possibility of coordinating efforts already made at the multilateral level against the laundering of proceeds of crime and related offences, including embezzlement, taking into account the relevant mandates conferred upon the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs and upon the United Nations International Drug Control Programme;

3. Also requests the Secretary-General to study and propose means for rendering technical assistance to requesting Member States in drafting or revising legislation, in training financial, investigative law enforcement and judicial personnel, in developing regional, subregional or bilateral cooperation, and in providing advice on relevant strategies and techniques;

4. Invites Member States, United Nations bodies and funding agencies to extend their support to the Secretary-General in performing the functions entrusted to him in paragraph 3 above;

5. Requests the Secretary-General to develop specific modalities of cooperation among all United Nations entities with relevant mandates, in particular between the United Nations crime prevention and criminal justice programme and the United Nations International Drug Control Programme;

6. Requests the Secretary-General to report to the Commission at its second session on the above activities.

D. Decisions brought to the attention of the Council

4. The following two decisions adopted by the Commission are brought to the attention of the Economic and Social Council:

23/ See Official Records of the Economic and Social Council, 1992, Supplement No. 5 (E/1992/25).

24/ E/CN.15/1992/4/Add.5.

Decision 1/101. Measures to assist the Commission on Crime Prevention and Criminal Justice in carrying out its mandate*

At its 8th meeting, on 29 April 1992, the Commission on Crime Prevention and Criminal Justice decided:

(a) That the post of Chairman, as well as the other bureau posts, should rotate annually among the regional groups and, to that end, that the post of Chairman should rotate according to the following pattern, beginning with the first session of the Commission: (a) group of African States; (b) group of Eastern European States; (c) group of Latin American and Caribbean States; (d) group of Western European and other States; and (e) group of Asian States;

(b) That at each session the post of Rapporteur should be occupied by a member of the regional group that had occupied the post of Chairman at the previous session.

Decision 1/102. Implementation of the conclusions and recommendations of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme**

At its 8th meeting, on 29 April 1992, the Commission on Crime Prevention and Criminal Justice, noting that the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, held in Paris from 21 to 23 November 1991, entrusted it with the task of deciding on the most appropriate course of action regarding the desirability of a convention or of any other instrument, 25/ and noting also the various points of view expressed in that connection at its first session, decided to consult the Governments of States Members of the United Nations on the matter and, for that purpose, to forward to them all relevant material and information with a view to having available at its second session sufficient background data to enable it to conduct a well-informed discussion.

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* For the discussion, see chap. VII.

** For the discussion, see chap II.

25/ A/46/703, para. 73.

Chapter II

IMPLEMENTATION OF THE CONCLUSIONS AND RECOMMENDATIONS OF THE MINISTERIAL MEETING ON THE CREATION OF AN EFFECTIVE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME

5. The Commission considered agenda item 3 at its 2nd to 4th, 8th and 9th meetings, on 21, 22, 29 and 30 April. It had before it the following documents:

(a) Progress report of the Secretary-General on United Nations activities in crime prevention and criminal justice, including detailed information on current programme budget and extrabudgetary activities of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs (E/CN.15/1992/2);

(b) Progress report of the Secretary-General on the activities of the United Nations Interregional Crime and Justice Research Institute and the regional institutes for crime prevention and criminal justice (E/CN.15/1992/3);

(c) Report of the Secretary-General on the implementation of the conclusions and recommendations of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, in pursuance of General Assembly resolution 46/152 (E/CN.15/1992/6);

(d) Note by the Secretary-General on the proposed revisions to programe 29 of the medium-term plan for the period 1992-1997 (E/CN.15/1992/CRP.1);

(e) Report of the Seventh Joint Programme Coordination Meeting of the United Nations Crime Prevention and Criminal Justice Programme Network (E/CN.15/1992/CRP.5);

(f) Report on the activities of the United Nations Interregional Crime and Justice Research Institute (UNICRI) for the period 1 November 1989 to 31 March 1992, submitted by the United Nations Interregional Crime and Justice Research Institute (E/CN.15/1992/CRP.6).

6. In his introductory statement, the Chief of the Crime Prevention and Criminal Justice Branch noted that, through the adoption of General Assembly resolution 46/152 and the annex thereto containing the Statement of Principles and Programme of Action, the Assembly had provided the Commission with a definitive plan for constructive reform of the programme and for its integration into the mainstream of United Nations economic, social and political concerns. He noted that the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, held at Versailles in November 1991, had marked the beginning of a new course of practical action, taking into account the specific guidelines for the creation of a more effective, dynamic and responsive crime prevention and criminal justice programme. The task of the Commission was to give fuller content to the vision of Versailles concerning the achievements of the programme. It was of paramount importance that the role of the new functional body of the Council and that of the Secretariat be integrated in such a way as

to ensure maximum efficiency. The Commission was expected to give guidance to the new programme, determine its priorities and monitor the Secretariat's activities. Consistency between the directives of the Commission and the corresponding functions to be discharged by the programme should thus be ensured. More intensive cooperation was necessary between the programme's activities and those of other entities of the United Nations system, as well as those of other agencies and intergovernmental organizations.

7. In outlining the basic elements of the documentation submitted to the Commission under agenda item 3, the Chief of the Crime Prevention and Criminal Justice Branch stated that the report of the Secretary-General concerning the implementation of General Assembly resolution 46/152 (E/CN.15/1992/6) contained some initial proposals for the Commission's consideration, particularly with respect to programme development and implementation, technical cooperation, implementation of United Nations norms and guidelines in crime prevention and criminal justice, inter-State cooperation and coordination of work. He further noted that the progress report on the activities of the United Nations Interregional Crime and Justice Research Institute and the affiliated regional institutes (E/CN.15/1992/3) contained a summary of the activities of the crime prevention and criminal justice programme network in a consolidated way. The report of the Secretary-General concerning United Nations activities in the field of crime prevention and criminal justice (E/CN.15/1992/2) summarized the activities carried out by the Secretariat in accordance with the relevant legislative mandates and obligations, in the programme budget bienniums 1990-1991 and 1992-1993, and included information on both regular programme budget and extrabudgetary activities.

A. Experience and contribution of the Committee on Crime Prevention and Control

8. The Chairperson of the former Committee on Crime Prevention and Control presented an overview of the role, work and accomplishments of that body and reviewed the developments that had resulted in the establishment of the Commission. He considered the inaugural session of the Commission to be a turning point in the history of the United Nations crime prevention and criminal justice programme, and expressed the hope that the Commission would breathe new life into it.

9. Most representatives expressed appreciation for the pioneering work of the former Committee and the valuable service it had provided since its establishment in 1971. The Committee passed on to the new Commission a heritage of significant accomplishments, on the basis of which it could undertake the challenge of setting the future course of global activities in the field of crime. The support provided, and the useful work carried out, by the Committee's secretariat was also acknowledged. An impressive body of standards for national application and instruments for international cooperation had been developed, especially in recent years, providing a sound foundation for future efforts. In that connection, many members of the new Commission paid tribute to the formidable accomplishments of the experts of the Committee and expressed the hope that they would continue to be involved in the development of the programme and lend their expertise to the Commission.

B. Role of the Commission on Crime Prevention and Criminal Justice

10. The role of the Commission was the central theme of most representatives who made statements on agenda item 3. It was emphasized that the Commission should first concentrate on defining the organizational aspects of its work in priority areas for concrete action, set specific objectives and adopt operational methods for their achievement, taking into account both current and proposed activities. In line with its terms of reference, the Commission should provide policy guidance, develop the programme on the basis of the United Nations system of medium-term planning and programme budgeting and assist in mobilizing the much needed support of Member States. In that connection, it should pay special attention to creating an effective mechanism for collaboration in combating common crime problems, as well as providing a framework for inter-State cooperation in response to serious new forms of transnational crime, such as organized crime, particularly illicit drug trafficking and terrorism. The Commission should also establish appropriate channels of communication, foster the exchange of information on the most effective counter-strategies, and promote the expansion of the United Nations Criminal Justice Information Network.

11. Many representatives urged the Commission to determine priority areas in response to the needs of Governments, and to establish inter-sessional working groups or subcommissions so that specific items requiring the Commission's expertise could be given due consideration. Other representatives expressed their support for the designation of special rapporteurs, or ad hoc working groups, to assist in monitoring the implementation of United Nations standards. In that connection, the contribution of independent experts and the professional and non-governmental community would be particularly valuable. Experts who had served on the former Committee could be asked to share their knowledge and experience with the Commission, and thus continue to contribute to the promotion of effective crime prevention and criminal justice policies and strategies. One representative maintained, however, that the only parties involved in crime programme activities in the near term should be the Commission (members and observers), the Secretariat and Member States. Governments should make special efforts to include such experts in delegations so as to ensure the continuity of contributions to the further development of the programme. In any event, every effort should be made to maintain the technical nature of the work accomplished so far and pave the way for a constructive dialogue between Member States, leading to concrete action.

12. Various representatives voiced their support for, and commitment to, the work of the newly established Commission and stressed its essential role in advancing international cooperation and technical assistance in the field of crime prevention and criminal justice. They reiterated the need to win government support for the work of the Commission in that area, the mobilization of which was one of the Commission's main functions. It was essential to solicit professional and scientific help both from Governments and relevant institutions, as well as to encourage Governments, international funding agencies and other entities to support the programme in cash and/or kind. The Commission and the programme should be in a position to respond to the real needs of States so that they could develop efficient preventive measures to combat crime and improve the quality of justice.

13. It was felt that the Commission should exercise its leading role to facilitate and help coordinate the activities of the interregional and regional institutes for the prevention of crime and the treatment of offenders. It should also establish close collaborative ties with other relevant bodies including the Commission on Human Rights and its Subcommission on Prevention of Discrimination and Protection of Minorities, the Commission on Narcotic Drugs, the International Law Commission and the Commission on the Status of Women. Such cooperation would not only allow for joint initiatives but would also serve to avoid a possible overlap and duplication of activities. The Commission should assert itself as the specialized United Nations crime prevention and criminal justice body and thus become the focal point of the United Nations system in the fight against all aspects of crime. Since coordination was a two-way street, other entities of the United Nations system should recognize and respect the Commission's field of competence, drawing on its expertise as appropriate.

14. A number of representatives called for ongoing evaluation and for periodic reviews of programme delivery and achievements as well as an assessment of available resources and the identification of those required for the performance of projected tasks.

C. Implementation and development of the United Nations crime prevention and criminal justice programme

15. In discussing the various aspects of the implementation and development of the programme, members of the Commission emphasized that the programme should be constantly directed towards the achievement of its objectives, as stipulated in the Statement of Principles and Programme of Action. Areas of particular importance included assistance to the international community in preventing and controlling crime at all levels, promotion of the efficiency and effectiveness of the administration of justice with due regard to human rights, and the strengthening of international cooperation.

16. The question of programme development and implementation was inextricably linked with the establishment of priorities. The Commission had to bear in mind that the needs of Member States were multifarious and that it should deal with those issues for which practical measures could be taken. Identifying priorities, however, did not mean that other matters should not receive adequate attention. Issues of concern to Member States could still be discussed and be reclassified as a priority at an appropriate time. It should not be overlooked that Governments determined their own priorities and that the Commission and the United Nations could not dictate priorities to them. To refuse assistance on the basis that a request did not fall within the programme's areas of priority would create divisiveness and lead to lack of faith in the capacity of the programme to assist at a time of need. The task of setting priorities was seen by a number of experts as a very difficult one, since every country had specific goals and concerns which determined its selection of priorities as well as international action. Indeed, some had a whole gamut of interrelated needs to be met almost concurrently. It was suggested, therefore, that in between the Commission's sessions there should be further examination and discussion of the question of prioritization and possibly a working group established for that purpose.

17. Among the areas identified as a priority by many speakers were problems of organized crime and related economic criminality, such as corruption and money laundering. The negative effects of drug trafficking, the arms trade and traffic in cultural patrimony, all of which had transnational dimensions, required energetic counter-action geared to the organizational and technological sophistication of the perpetrators, which had outpaced the capability of mechanisms of control. There was need for international standards and data banks to coordinate activities against organized crime. Among other economic crimes arousing concern were money laundering, illegal commodity and currency transactions, racketeering and large-scale fraud. Ecological offences were also having a strong negative impact, including the sale and dumping of toxic waste in developing countries, pollution and the export of dangerous chemicals. Violence in its different forms, ranging from terrorism and civil strife to domestic violence and rape, also encompassing conventional criminality, was mentioned as another priority field for action. The need to take into account violence perpetrated by States was also noted, including, in particular, extralegal and summary executions, disappearances and torture.

18. Many representatives emphasized the role of the programme in contributing to strengthening the rule of law, promoting non-violent conflict resolution, enhancing law enforcement and community policing, assisting in constitutional and legislative reforms drawing on the United Nations standards and basic human rights guarantees and improving the quality of justice. The protection of, and assistance to, victims was also mentioned as a priority, and joint initiatives were suggested on such issues as the protection of ethnic minorities against abuses, in cooperation with the Commission on Human Rights and its Subcommission. A number of speakers felt that most of the activities envisaged should have a human rights underpinning, although the view was also expressed that some abuses resulted from a lack of knowledge and competence on the part of criminal justice personnel who should be trained and upgraded; it was also stated that a wider dissemination of United Nations guidelines and norms, including public education campaigns, could be usefully undertaken. Juvenile delinquency and youthful offending, especially in serious offences committed by the young, continued to pose a grave problem, requiring comprehensive international prevention strategies, and was identified as a programme priority.

19. Strong emphasis was placed on crime prevention, particularly in the urban setting, and on strengthening public safety and security. An interdisciplinary, intersectoral effort was required which took into account such factors as population flows, poverty, marginalization and social disadvantage, as well as specific crime prevention measures. In addition to establishing priorities within the programme, it was essential to assure high priority for the programme as a whole, as called for by the General Assembly in its resolution 46/152 and in the Statement of Principles and Programme of Action.

20. In view of existing mandates, unanimously adopted by United Nations policy-making bodies, as well as activities being carried out under the programme budget, it was noted that it would be impractical to cease all activities other than those expressly approved by the Commission. To do so would, *inter alia*, oblige the Commission to sit in judgement of most requests for technical assistance and advisory services. One representative, however,

stated that in the implementation of the programme, the Commission should not expend scarce resources or engage in a time-consuming debate on controversial topics but should select a limited number of programme activities of recognizable utility for the immediate future. Moreover, the Secretariat should engage only in activities expressly authorized by the Commission; all proposed activities should pass through the intergovernmental filter of the Commission and all existing and planned activities should be concluded within a matter of months. Several representatives suggested that procedural mechanisms should be found to institutionalize and implement the Commission's policy direction in the selection of programme activities. On the other hand, it was emphasized that the decision on which areas were to be given priority should be taken with the recognition that not all aspirations could be met at the same time. Consequently, care should be taken to respond at least to some of the concerns of both developed and developing countries, taking into account the differences in legal systems and economic, social and cultural values, as well as the particular circumstances of each country.

21. It was considered important to identify effective measures by which to promote the application of existing United Nations standards, norms, guidelines and instruments, and to provide both professional and public education in order to create fuller awareness of their provisions, especially through specialized personnel training, public awareness campaigns and exhibitions. In order to implement the existing norms and guidelines, it was necessary to ensure improved response rates to questionnaires for the collection of data on implementation levels. The good will of all Member States was essential to assist the Commission in gathering the information necessary for long-term planning and policy formulation.

22. Bearing in mind their special requirements, States should be encouraged to apply United Nations normative provisions, so as to ensure their smooth integration into national laws, policies, procedures and practices. The limited capacities of developing countries should be carefully considered.

23. Representatives emphasized the importance of intensified exchange and dissemination of relevant information, especially on new developments and innovative approaches, and of strengthening the clearing-house functions of the crime prevention and criminal justice programme. That could be achieved by expanding present information activities and by seeking to make them more versatile and responsive to the evolving needs and priorities of Member States. In that context, the United Nations country profiles, which highlight crime-related problems and technical assistance needs and serve as a basis for projects, could be useful in identifying possible donor countries.

24. Representatives agreed that it was important to improve the information channels through which various governmental priorities might be communicated in a more timely and effective manner. Electronic databases on the various facets of crime and its prevention should be established within the United Nations Criminal Justice Information Network, including information on organized crime and on mass media programmes dealing with the prevention of crime and victimization. Such a list of programmes would serve public education in Member States and have a practical use. There was also need to strengthen links with, and draw on the contributions of, academic, scientific, professional and training institutions, organizations and publishing agencies. In that connection, speakers welcomed the establishment of the

International Scientific and Professional Advisory Council, which had initiated its work with extrabudgetary funding.

25. It was emphasized that technical cooperation and the transfer of experience and know-how were not a one-way process; that in the field of crime prevention and criminal justice no country was really developed, and that developing countries had much to teach others from their indigenous practices and community-oriented approaches which, to an increasing extent, were being followed elsewhere.

26. It was noted that there was a whole range of technical assistance needs which could not be met by isolated measures but required a comprehensive approach. Some United Nations institutes had organized seminars on planning for crime prevention and criminal justice in the context of development, which offered such an integrated approach and encouraged a dialogue between criminal justice specialists and economic planners. Some pilot projects, launched with a modest investment, had yielded fruitful results. Although such initiatives were useful, some institutes, particularly the African Regional Institute for the Prevention of Crime and the Treatment of Offenders and its Latin American counterpart, faced tremendous difficulties in meeting the needs of their respective regions. To avoid new imbalances that would only compound the problem, technical assistance projects should seek to respond in an integrated manner to the gamut of needs which most developing countries had and which were difficult to prioritize.

27. It was also noted that, while bilateral assistance was always appreciated, it had its own constraints, since it usually offered a limited choice of options and could not adequately deal with transnational crime problems affecting many States. Multilateral assistance was important not only in dealing with crime problems of wider concern, but also permitted requesting countries to choose from among a number of possible options. Properly planned, bilateral and multilateral assistance could be complementary and reinforce one another.

28. Technical cooperation was viewed by many members of the Commission as a pivotal element of global cooperation to combat serious crime, establish effective criminal justice systems and promote respect for human rights, which were essential ingredients in promoting democracy and fair and honest government. The provision of practical assistance to States should therefore be a prime goal.

29. Many delegations welcomed the proposal of the Secretary-General to include in the medium-term plan for the period 1992-1997 a subprogramme on operational activities, planning and overall coordination. This not only responded to the strong call by Member States at Versailles for a greater emphasis on a practical programme orientation, but also underlined the urgency of an effective United Nations response to meet the needs of Governments. It was also noted that since the Commission had not yet had the opportunity to consider and establish functional and substantive priorities, it might be difficult to review the proposed revisions, or to agree upon modifications.

30. With respect to the establishment of effective mechanisms for practical collaboration at the regional and interregional levels, improved international cooperation and assistance had not yet been achieved despite the growing

realization of the transnational dimensions of certain crimes. A number of proposals had been initiated, including the formulation of a draft convention on international cooperation in crime prevention and criminal justice and the establishment of a foundation for crime prevention. It was noted that although such proposals might not be fully implemented in the near future, they provided a significant potential for strengthened world-wide cooperation against crime and therefore merited follow-up action.

31. The inadequate United Nations institutional capacity in the area of crime prevention and criminal justice, deriving largely from the lack of human and financial resources, was viewed by many speakers and former Committee members as a serious hindrance to programme performance. There was consensus that the Secretariat's programme and structure had to be strengthened in order to support and facilitate the work of the new Commission. The restructuring, redefinition and reinforcement of the Crime Prevention and Criminal Justice Branch was seen as indispensable to more effective international cooperation in that field. Ways had to be found that would enable the Branch to discharge effectively its functions and tasks *vis-à-vis* the Commission and the international community. Adequate human and financial resources were required for the proper execution of the United Nations crime prevention and criminal justice programme. It was also noted that the resources for the United Nations programme constituted only 0.15 per cent of the overall United Nations budget, which was clearly inadequate to meet the growing requirements of Governments and the international community as a whole. It was repeatedly emphasized that the Branch should be afforded an appropriate status, recognition and visibility within the United Nations system, including as a matter of urgency its upgrading to the level of a division, as recommended by the General Assembly in resolution 46/152.

Action taken by the Commission

Implementation of the conclusions and recommendations of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme

32. At the 8th meeting, on 29 April, the Commission had before it a draft decision (E/CN.15/1992/L.3) entitled "Implementation of the conclusions and recommendations of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme", which was submitted by the representative of Costa Rica.

33. At that meeting, the representative of the United States of America proposed to amend the draft resolution by replacing the words "to enable it to reach a well-founded decision" by the words "to enable it to conduct a well-informed discussion", at the end of the paragraph.

34. At the same meeting, the Commission adopted the draft decision, as orally amended (see chap. I, sect. D, Commission decision 1/102).

Implementation of General Assembly resolution 46/152 concerning operational activities and coordination in the field of crime prevention and criminal justice

35. At the 9th meeting, on 30 April, the Vice-Chairman of the Commission, Herman Woltring (Australia), introduced a revised draft resolution (E/CN.15/1992/L.4/Rev.2) entitled "Implementation of General Assembly resolution 46/152: operational activities and coordination in the field of crime prevention and criminal justice", which was submitted on the basis of informal consultations.

36. In introducing the revised draft resolution, the Vice-Chairman further orally revised it as follows:

(a) In section V, operative paragraph 2, which had read:

> "Recommends that the General Assembly should consider financing the operations undertaken by the programme from the regular budget of the United Nations",

was replaced by the following text:

> "Recommends that the General Assembly consider arrangements for funding programme support, taking into account the practices elsewhere in the United Nations system";

(b) In section VI, operative paragraph 1 (a), the words "including organized and economic crime" were replaced by the words "organized crime, economic crime, including money laundering".

37. At the same meeting, statements were made by the representative of Hungary and the observer for the United Kingdom of Great Britain and Northern Ireland.

38. Also at that meeting, the Commission adopted the revised draft resolution, as orally revised (see chap. I, sect. A, draft resolution I).

39. After the draft resolution was adopted, statements were made by the representative of Japan and the observer for Spain.

40. The Chief of the Crime Prevention and Criminal Justice Branch and the representative of the Office for Programme Planning, Budget and Finance also made statements. The representative of Financial Service of the United Nations Office at Vienna informed the meeting prior to the adoption of the resolution that revised estimates reflecting the requirements of the programme in 1993 would be submitted to the General Assembly at its forty-seventh session, in accordance with the previous commitment outlined in paragraph 20 of document A/C.5/46/76. The requirements for the biennium 1994-1995 would be reflected in the context of the proposed programme budget for the biennium 1994-1995.

Criminal justice and human rights

41. At the 8th meeting, on 29 April, the representative of Austria, on behalf of Australia, Austria, Bulgaria, Canada, [26] Costa Rica, Ghana, Hungary, Italy, New Zealand, [26] the Philippines, Poland and Sweden, [26] introduced a draft resolution (E/CN.15/1992/L.7) entitled "Criminal justice and human rights", which read as follows:

"Criminal justice and human rights

"*The Commission on Crime Prevention and Criminal Justice*,

"*Recalling* General Assembly resolution 46/120 of 17 December 1991 on human rights in the administration of justice,

"*Welcoming* the invitation of the Commission on Human Rights, in its resolution 1992/31 of 28 February 1992, to explore ways and means of cooperating with the human rights programme in the field of the administration of justice, with special emphasis on the effective implementation of norms and standards,

"*Calling attention* to the extensive body of principles and guidelines contained in the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice,

"*Acknowledging* the important work accomplished in this area by the former Committee on Crime Prevention and Control and the United Nations congresses on the prevention of crime and the treatment of offenders,

"*Recognizing* the significant contribution of the human rights programme to this work,

"*Convinced* of the need for further coordination and concerted action in promoting effective and humane criminal justice and the rule of law,

"1. *Invites* all Member States to accord priority to the practical implementation of standards relating to human rights in the administration of justice, in particular:

"(*a*) To adopt in national legislation and practice existing international standards relating to human rights in the administration of justice, and to make them available to all persons concerned;

"(*b*) To design realistic and effective mechanisms for the full implementation of these standards and to provide the necessary administrative and judicial structures for their continuous monitoring;

"(*c*) To devise measures to promote the observance of these standards, as well as public awareness about their important role, in particular through their widespread dissemination and through educational and promotional activities;

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[26] In accordance with rule 69 of the rules of procedure of the functional commissions of the Economic and Social Council.

"(d) To include, where appropriate, references to the implementation of these standards in their reports under the various human rights international instruments;

"(e) To increase, as far as possible, their support to technical cooperation and advisory services at all levels for the more effective implementation of these standards, either directly or through international funding agencies such as the United Nations Development Programme, when developing countries include specific projects in their country programmes;

"2. Invites the chairpersons of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities to actively participate in future sessions of the Commission on Crime Prevention and Criminal Justice, with a view to assisting it in exploring ways and means of increasing effectiveness of work and avoiding possible duplication or overlapping of activities of the United Nations crime prevention and criminal justice programme and the human rights programme;

"3. Notes with appreciation the steps initiated by the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs of the Secretariat to ensure closer cooperation in this field, including preparations for the World Conference on Human Rights and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

"4. Requests the Secretary-General to further strengthen this cooperation with a view to:

"(a) Identifying general problems that may impinge on the effective implementation of standards and norms to recommending viable solutions with action-oriented proposals;

"(b) Formulating practical proposals on procedures and action at the national, regional and international levels to implement United Nations standards and norms in criminal justice for the Ninth Congress;

"(c) Continuing to assist Member States, at their request, in implementing existing international standards in the administration of criminal justice, in particular under the programme of advisory services;

"(d) Coordinating the various technical advisory services provided by the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs in order to undertake joint programmes and to strengthen existing mechanisms for the protection of human rights in the administration of criminal justice;

"5. Recognizes the important role of the regional commissions, the specialized agencies and other organizations of the United Nations system, as well as the intergovernmental and non-governmental organizations concerned and interregional and regional institutes in the field of crime prevention and criminal justice or human rights, in promoting the rule of law in the administration of justice and invites them to continue to cooperate with the Secretary-General to this effect;

"6. Decides to consider at its second session the question of criminal justice and human rights."

42. At the same meeting, the representatives of Peru and Malaysia made statements.

43. At the 9th meeting, on 30 April, the representative of Austria, on behalf of the sponsors, withdrew the draft resolution (E/CN.5/1992/L.7), in the light of the adoption of revised draft resolution E/CN.15/1992/L.4/Rev.2 (see paras. 35 to 40 above).

Strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations crime prevention and criminal justice programme

44. At the 8th meeting, on 29 April, the Commission had before it a draft resolution (E/CN.15/1992/L.8) entitled "Strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations crime prevention and criminal justice programme", which was submitted by the Vice-Chairman of the Commission, Mr. Woltring (Australia), on the basis of informal consultations.

45. At the same meeting, the representative of Finland proposed to amend the draft resolution by deleting proposal 5 in paragraph 38 of the annex.

46. Statements were made by the representatives of the United States of America and Australia in support of the amendment.

47. Also at the same meeting, the Commission adopted the draft resolution, as orally amended (see chap. I, sect. C, Commission resolution 1/1).

The role of criminal law in the protection of nature and the environment

48. At the 8th meeting, on 29 April, the representative of Costa Rica, on behalf of Bolivia, Costa Rica and Italy, introduced a draft resolution (E/CN.15/1992/L.10) entitled "The role of criminal law in the protection of nature and the environment", which read as follows:

"The role of criminal law in the protection of nature and the environment

"The Commission on Crime Prevention and Criminal Justice,

"Recalling General Assembly resolution 46/152 of 18 December 1991,

"Taking note of the importance of the United Nations Conference on Environment and Development, to be held at Rio de Janeiro, Brazil, from 1 to 12 June 1992,

"Conscious of the need to examine the role of criminal law in the protection of nature and the environment, "1. *Reaffirms* that the environment is the basis for life and that its protection must take into account the environment as a whole and its various components and their interrelation;

"2. *Decides* that the Chairman of the Commission on Crime Prevention and Criminal Justice at its first session should appoint a special rapporteur to prepare a full report on the role of criminal law in the protection of nature and the environment, including recommendations on the desirability of elaborating guiding principles for the prevention of crimes against the environment, to be examined by the Commission at its third session;

"3. *Requests* the special rapporteur to undertake the necessary coordination with relevant institutions and especially with the United Nations Environment Programme, drawing also on the results of the United Nations Conference on Environment and Development, and to present to the Commission at its second session a report on the progress achieved in fulfilling his or her mandate;

"4. *Invites* the interregional and regional institutes for the prevention of crime and the treatment of offenders and other relevant institutions to cooperate closely with the special rapporteur in order to facilitate the successful completion of his or her task;

"5. *Requests* the Secretary-General to provide the special rapporteur with all the assistance required for the completion of his or her task."

49. At the 9th meeting, on 30 April, the representative of Costa Rica, on behalf of Bolivia, Costa Rica and Italy, introduced a revised draft resolution (E/CN.15/1992/L.10/Rev.1) entitled "The role of criminal law in the protection of nature and the environment" and further orally revised it by replacing operative paragraphs 1, 2, 3 and 4, which had read:

"1. *Decides* that the Chairman of the Commission on Crime Prevention and Criminal Justice at its first session appoint, in consultation with the regional groups, a group of five governmental experts who will meet, dependent on the availability of extrabudgetary resources, to prepare a full report on the role of criminal law in the protection of nature and the environment, including recommendations on the desirability of elaborating guiding principles for the prevention of crimes against the environment, to be examined by the Commission at its third session;

"2. *Requests* the group of governmental experts to undertake the necessary coordination with relevant institutions and especially with the United Nations Environment Programme, drawing also on the results of the United Nations Conference on Environment and Development, and to present to the Commission at its second session a report on the progress achieved by the group in fulfilling its mandate;

"3. *Invites* the interregional and regional institutes for the prevention of crime and the treatment of offenders and other relevant institutions to cooperate closely with the group of governmental experts in order to facilitate the successful completion of its task;

"4. Requests the Secretary-General to provide the group of governmental experts with all the assistance required for the completion of its task",

with the following text:

"1. Requests the Secretary-General, subject to the availability of extrabudgetary resources, to convene, for a period of five days, a meeting of no less than five governmental experts from countries members of the Commission, taking duly into account the views of the regional groups on the composition of the meeting, to study the results of the Rio de Janeiro Conference as they relate to the role of criminal law in the protection of nature and the environment and to prepare recommendations for the Commission at its second session;

"2. Invites the interregional and regional institutes for the prevention of crime and the treatment of offenders and other relevant institutions to contribute to the success of the above-mentioned meeting and also to participate at the meeting;

"3. Further requests the Secretary-General to provide the assistance required for the holding of this meeting and to make the corresponding report available to the Commission for its consideration at its second session."

50. At the same meeting, statements were made by the representatives of Germany, the United States of America, Costa Rica and Saudi Arabia.

51. Also at that meeting, on the proposal of the representative of Costa Rica, the Commission decided to defer action on the revised draft resolution to its second session, in 1993. The text of the revised draft resolution, as recommended for consideration and appropriate action at the second session of the Commission, is reproduced in annex III to the present report.

New priorities and their reflection in the programme budget for the biennium 1992-1993 and the revised medium-term plan for the period 1992-1997

52. At the 8th meeting, on 29 April, the representative of the United States of America introduced a draft resolution (E/CN.15/1992/L.13) entitled "New priorities and their reflection in the programme budget for the biennium 1992-1993 and the revised medium-term plan for the period 1992-1997", which read as follows:

"New priorities and their reflection in the programme budget for the biennium 1992-1993 and the revised medium-term plan for the period 1992-1997

"The Economic and Social Council,

"Recalling General Assembly resolution 46/152 of 18 December 1991, "Recalling also its resolution 1992/1 of 6 February 1992, in which it established the Commission on Crime Prevention and Criminal Justice,

"Noting that paragraph 22 of the Statement of Principles and Programme of Action annexed to General Assembly resolution 46/152 specifically provided that the Commission should not be bound by mandates conferred prior to its formation, but should assess them on their merits by applying the Statement of Principles,

"Acknowledging the useful work that has been performed pursuant to mandates conferred prior to the formation of the Commission,

"Aware that the General Assembly, in its resolution 46/152, supported a clearer definition of the mandate of the programme with regard to crime prevention and criminal justice, under the aegis and guidance of the United Nations, whose aim would be to respond to the most pressing priorities and needs of the international community in the face of both national and transnational criminality,

"1. Decides that the priorities for the United Nations crime prevention and criminal justice programme for the biennium 1992-1993 shall be as follows:

"(a) Priority 1: Emergency operational activities and advisory services not included in other priorities;

"(b) Priority 2: Programme organization, evaluation and reporting obligations;

"(c) Priority 3: Operational activities in three priority areas:

"(i) Economic and organized crime;

"(ii) Prevention of crime;

"(iii) Criminal justice modernization;

"2. Recommends to the General Assembly that the relevant part of section 21 of the programme budget for the biennium 1992-1993 (A/46/6/Rev.1) and programme 29 of the medium-term plan for the period 1992-1997 (A/45/6/Rev.1) should be revised to reflect the following:

"(a) Priority 1:

"(i) The objective of priority 1 shall be to offer timely and practical assistance to member States, upon request, in situations of urgent need that do not permit a problem to be adopted as a regular priority by the Commission on Crime Prevention and Criminal Justice;

"(ii) In implementing priority 1, the Secretariat shall place major emphasis on serving as a broker and clearing-house providing advisory services and training to member States from within existing budgetary resources and through voluntary contributions;

"(iii) The Secretary-General shall submit to the Commission at its third session a narrative and statistical report on the implementation of those activities, together with a statement of expenditure and any appropriate recommendations;

"(b) Priority 2:

"(i) The objective of priority 2 shall be to assist the Commission in reaching agreement on the general goals of the programme and the needs to be met; to ascertain the capacity available to meet those needs; to determine the objectives, specific activities and mechanisms to be used for that purpose; to remain cognizant of, and to advise the Commission on, pertinent developments and to discharge other reporting responsibilities; and to mobilize support for the programme;

"(ii) The Secretariat shall implement priority 2 by conducting a survey of United Nations and other intergovernmental entities to assess current activities and instruments available in the field of crime prevention and criminal justice and in related fields, such as human rights;

"(iii) The results of the above-mentioned survey shall be reported to States members of the Commission sixty days prior to its second session, together with recommendations on how to avoid duplication and to improve coordination;

"(c) Priority 3:

"(i) The objective of priority 3 shall be to concentrate the majority of programme resources on the provision of training, advisory services and technical cooperation in a limited number of areas of recognized need; such concentration should achieve a synergetic effect, allowing intense and effective use of materials, resources and experience both from regular budgetary resources and from voluntary contributions;

"(ii) In implementing priority 3, the Secretariat shall emphasize the following:

"a. Economic crime-preventive and repressive measures directed towards official corruption, organized criminality and control of the proceeds of crime;

"b. Prevention of crime-encouragement at the local level through strategies against urban, juvenile and violent crime;

"c. Modernization of criminal justice by enhancing local and national governmental capabilities in criminal justice data systems and other applications of technology;

"3. Requests the Secretary-General to submit to the Commission at its third session, in 1994, a narrative and statistical report on the implementation of the above-mentioned activities, together with a statement of expenditures and any appropriate recommendations;

"4. Also requests that the programme budget for the biennium 1992-1993 and the medium-term plan for the period 1992-1997 be revised to conform to the exclusive priorities contained in the present resolution."

53. At the same meeting, the observer for Canada made a statement.

54. At the 9th meeting, on 30 April, the representative of the United States of America made a statement and withdrew the draft resolution, in the light of the adoption of draft resolution E/CN.15/1992/L.4/Rev.2 (see paras. 35 to 40 above).

Chapter III

STRENGTHENING EXISTING INTERNATIONAL COOPERATION IN CRIME PREVENTION AND CRIMINAL JUSTICE, INCLUDING TECHNICAL COOPERATION IN DEVELOPING COUNTRIES, WITH SPECIAL EMPHASIS ON COMBATING ORGANIZED CRIME

55. The Commission considered agenda item 4 at its 5th, 6th and 8th to 10th meetings, on 23, 29 and 30 April. It had before it the following documents:

(a) Note by the Secretary-General on strengthening existing international cooperation in crime prevention and criminal justice, including technical cooperation in developing countries, with special emphasis on combating organized crime (E/CN.15/1992/4);

(b) Report of the Ad Hoc Expert Group Meeting on Strategies to Deal with Transnational Crime, Smolenice, 27-31 May 1991 (E/CN.15/1992/4/Add.1);

(c) Conclusions and recommendations of the International Seminar on Organized Crime, Suzdal, 21-25 October 1991 (E/CN.15/1992/4/Add.2);

(d) Conclusions and recommendations of the International Expert Meeting for the Elaboration of a Model Treaty on the Transfer of Enforcement of Penal Sanctions, Siracusa, 3-8 December 1991 (E/CN.15/1992/4/Add.3 and Corr.1);

(e) Conclusions and recommendations of the Meeting of Experts for the Evaluation of Implementation of United Nations Norms and Guidelines in Crime Prevention and Criminal Justice, Vienna, 14-16 October 1991 (E/CN.15/1992/4/Add.4);

(f) Report on money laundering and associated issues: the need for international cooperation (E/CN.15/1992/4/Add.5).

56. Agenda item 4 was introduced by the Director of the Social Development Division of the Centre for Social Development and Humanitarian Affairs. He noted that crime corrupted the global social environment just as pollution spoiled the natural environment, without regard for frontiers or political or legal systems. To properly counteract the scourge of crime meant to act jointly, to combine all efforts and to cooperate more effectively. Any discussion on international cooperation in crime prevention and criminal justice and on technical cooperation had to begin with the needs of Member States. An increase in crime, often perpetrated by organized criminal groups whose activities transcended national frontiers, presented a challenge that States, particularly developing ones, were unable or ill-equipped to meet. More and more frequently, Governments turned to the United Nations for help, realizing that only concerted action against transnational and organized forms of crime could be effective. While bilateral cooperation provided a useful basis for addressing certain urgent problems, it was not always able to deal with all problems, flexibility being limited in the case of sophisticated crimes which affected more than two countries.

57. The pressing needs of Member States for assistance had prompted the General Assembly and the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme to decide that the crime prevention and criminal justice programme should have a practical orientation and produce tangible results, based on a balance between programme delivery and programme development. Until recently, technical cooperation activities had been hampered by a certain reluctance on the part of many countries to strengthen global action. International cooperation in crime prevention and criminal justice had traditionally been a sensitive issue, but the situation was beginning to change. The General Assembly had called on Member States to review their policies and accord priority to assistance in the field of crime prevention and criminal justice.

58. Close cooperation between the Commission and other bodies or entities could yield beneficial results. One example was the manual on practical measures against corruption and the draft international code of conduct for public officials, currently in preparation; a number of experts from Governments and organizations were providing basic training material and other forms of practical assistance. The Commission itself could offer expertise to the International Law Commission, which was preparing a draft code of crimes against the peace and security of mankind and was examining the possibility of establishing an international criminal jurisdiction. A further example of cooperation was the elaboration of an index of human distress based on the use of statistical information derived from the last survey on world crime trends, which had been incorporated by the Human Development Report, 1991.

59. While technical cooperation activities were usually financed through extrabudgetary resources, support services, which were essential to proper programme delivery, were not. Attention should therefore be directed at ensuring the necessary resources to enable the Secretariat to discharge its important backstopping function.

Transnational and organized crime

60. All speakers emphasized their serious concern about organized crime including drug trafficking, the arms trade and terrorism, which was increasingly assuming new forms and transnational dimensions. Organized crime was a world-wide problem, which affected both developing and developed countries and was capable of threatening the institutional structure of countries and paralysing national administrations. Reasons for its expansion included the economic crises, the misunderstanding of democracy as a society without the rule of law and the possibility of free movement across frontiers. It was suggested, in that respect, that it would be useful to study the scope of organized crime in greater detail. Such an undertaking would permit a better understanding of the various parameters and ramifications of the problem, and facilitate the formulation of more effective joint strategies, taking into account the particular circumstances of different countries and regions. It was important to exchange information both on new forms of crime and on counter-strategies.

61. In the view of some representatives attention should be paid to practical action rather than to rediscussing issues that had already been examined. The Commission should carefully design programmes geared towards prompt and

effective action against all forms of organized and transnational crime, including economic crime and corruption.

62. Organized and transnational criminality was an area in which international cooperation was crucial, and should figure among the priorities of the Commission. Modalities for cooperation should be defined as clearly as possible. Some representatives emphasized that cooperation should not assume forms that placed the receiving countries in a passive and disadvantaged position. On the contrary, since it was the shared responsibility of all countries, international cooperation against escalating transnational crime should be structured on the basis of true partnership. In addition, it should be conducted within the framework of legal agreements, whether bilateral or multilateral. The conclusion of such agreements was increasingly necessary in an interdependent world and should be recommended and encouraged by the Commission. Nevertheless, the signing of international conventions and other agreements was not sufficient; provisions had to be incorporated in municipal laws. It was also noted that modalities of international cooperation could possibly include the establishment of an international jurisdiction. Given the improved climate of international relations, such an eventuality might not be too remote. In that respect, the identification of universally recognized crimes would be well received and would enhance a global approach to the fight against crime.

63. It was deemed essential to base the prevention and control of organized and transnational crime on universal values. To achieve that objective, Member States were greatly assisted by the recommendations contained in the documents before the Commission, which provided the legal vehicles for international cooperation. It was also important to establish relevant data banks, for example, on stolen art objects, and to develop mechanisms to prevent the traffic, sale and illegal handling of cultural patrimony.

Money laundering

64. Perhaps one of the most effective means of combating organized and transnational crime was to attack its basic reason for existence and proliferation and its most vulnerable area: its finances. Tracing a control of the proceeds of crime was identified by all delegations as an extremely important facet of international cooperation, meriting priority attention by the Commission.

65. At the national level, there was a need for the enactment of new laws to deal with money laundering and control of the proceeds of crime. Measures limited to one country or region were, however, insufficient, as they would merely result in a shift of activity to countries or regions where strict measures were not applied. The problem required a concerted approach and effective international cooperation, which could take the form of specific treaties designed to deal with money laundering and the use of banking secrecy laws to circumvent and elude law enforcement and investigative efforts. The role that the Commission and the crime prevention and criminal justice programme could play in that respect was underlined. Representatives commended the efforts against money laundering undertaken in the context of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (E/CONF.82/15 and Corr.2) and, at the regional level, by the Council of Europe, the Financial Action Task Force on Money

Laundering and the Organization of American States. They also noted with interest the plans for a conference on the subject to be organized under the aegis of the International Scientific and Professional Advisory Council. Given its global constituency, the United Nations could direct its efforts at consolidating and maximizing the scope and effectiveness of such initiatives, thus ensuring that safe havens for criminal proceeds ceased to exist.

Implementation of United Nations standards and norms

66. Many speakers stressed the need for translating words into action. Promoting the United Nations model treaties would be useful in developing practical cooperation at the bilateral and multilateral levels. The draft model treaty on the enforcement of penal sanctions, submitted for the consideration of the Commission, constituted a valuable addition to the set of existing instruments and should be developed further and finalized with financing obtained from extrabudgetary sources.

67. The body of existing United Nations standards, norms and guidelines was recognized as useful. Their implementation should, for the present at least, take precedence over further standard-setting. The system of questionnaires as operated so far had not proved to be efficient. A more reliable monitoring system had to be developed, including, for example, special rapporteurs, working groups or other options, as well as the assistance of regional and interregional institutes. In addition, Member States should strengthen the exchange of information on implementation. There was also a need to continue such initiatives as the draft Model Treaty on the Transfer of Enforcement of Penal Sanctions. One representative noted, however, that one problem with the recommended standards, mentioned by some former Committee members, was that they were not produced by operation of normal intergovernmental machinery for international instruments and that this could detract from their universal acceptance. To remedy this, it was suggested that the Commission should, consistent with accepted practice, obtain comments and approval from Member States.

68. Since the Commission was entrusted with setting clear priorities for the crime prevention and criminal justice programme, many representatives were of the opinion that the implementation of standards and norms should also be a priority. Since it was deemed inadvisable to overburden Member States with voluminous documentation, some representatives suggested that the Secretariat review the standards, norms and guidelines already published in the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice 27/ and present concrete proposals to the Commission. It was important to facilitate joint action by States in areas of common concern, and the Commission and programme could play a key role. Regional and subregional cooperation offered particular scope in that regard and should be strengthened with the assistance of United Nations institutes.

27/ United Nations publication, Sales No. E.92.IV.1.

Technical cooperation

69. All representatives strongly supported technical cooperation and practical assistance in the fight against transnational crime, particularly in favour of developing countries. It was reiterated that an organization is as strong as its weakest link; in the desire to combat organized and transnational crime, no matter how determined or intense, one of the weak links was technical assistance to developing countries. Existing bilateral assistance should therefore be expanded and assume a more multilateral character. Developed countries should ensure that international cooperation went beyond the stage of good intentions, by giving it practical effect in the near future. Developing countries, which accounted for 80 per cent of the United Nations membership and world population, often faced problems of weak law enforcement and justice administration infrastructures. Developed countries would ultimately benefit if they provided the means for strengthening the capacity of developing countries to respond to problems of organized and transnational crime in all its forms. Assistance might include the provision of human and financial resources or equipment and specialized training.

70. The services of the Interregional Adviser for Crime Prevention and Criminal Justice were commended by many delegations and cited as an example of assistance that should be further strengthened and expanded. His services should be treated as the basis for further action, through continuous backstopping and appropriate follow-up of his proposals and the projects formulated as a result of his missions. At the same time, other means of technical assistance should be pursued, including the designation of regional and technical advisers, the identification of fellowship opportunities, the exchange of personnel, training courses and pilot schemes.

71. In his address to the Commission, the Deputy Prime Minister and Minister of Public Order of Albania noted that his country had embarked on the path of freedom and democracy but, because of its previous system and long isolation, lacked experience in civic matters. A grave crisis was being faced; with the collapse of public order, economic and social upheaval and sharply escalating crime, Albania urgently required international assistance in building a State firmly based on the rule of law and restructured criminal justice institutions. The police had been depoliticized but had to be upgraded, as should be the other organs entrusted with ensuring public order. The country urgently required bilateral and multilateral aid in its legislative reform, the development of well-founded prosecutorial powers, the strengthening of the independence and impartiality of the judiciary, and other basic criminal justice changes such as the establishment of the institution of defence lawyers. It was in dire need of professional training, appropriate equipment and technical expertise, especially to help it institute adequate measures against organized crime, corruption, money laundering and illegal emigration. He hoped that his appeal would meet with a generous response, particularly since the security and stability of Albania would also benefit its neighbours.

Action taken by the Commission

Organized crime

72. At the 8th meeting, on 29 April, the representative of Bolivia, on behalf of Bolivia, Costa Rica, Czechoslovakia 26/ and the Russian Federation, introduced a revised draft resolution (E/CN.15/1992/L.6/Rev.1) entitled "Organized crime", which read as follows:

"Organized crime

"The Economic and Social Council,

"Alarmed by the rapid growth and geographical extension of organized crime in its various forms, both nationally and internationally,

"Concerned about the menace that these developments represent to social stability, economic development, democratic institutions and legitimate business,

"Aware that the transnational nature of a large portion of the activities of organized crime requires the intensification of technical and scientific cooperation, as indicated on several occasions by the Committee on Crime Prevention and Control,

"Recognizing the importance of initiatives taken in this area by the Committee,

"Recalling that the Economic and Social Council, in its resolution 1989/70 of 24 May 1989, called upon Governments, international organizations and interested non-governmental organizations to cooperate with the Committee in promoting international cooperation in combating organized crime,

"Recalling also that the General Assembly, in its resolution 44/71 of 8 December 1989, requested the Committee to consider ways of strengthening international cooperation in combating organized crime and to submit its views, through the Economic and Social Council, to the General Assembly at its forty-seventh session,

"Recalling further that the General Assembly, in its resolution 44/72 of 8 December 1989, requested the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to propose control measures aimed at eradicating the activities of organized crime,

"Noting that the Eighth Congress, in its resolution 24, adopted the 'Guidelines for the prevention and control of organized crime',

"Noting also that the General Assembly, in its resolution 45/121 of 14 December 1990, welcomed the instruments and resolutions adopted by the Eighth Congress and invited Governments to be guided by them in the formulation of appropriate legislation and policy directives, "*Noting further* that the General Assembly, in the same resolution, endorsed the decision of the Eighth Congress that priority attention should be given to specific practical measures to combat international crime over the forthcoming five-year period,

"*Taking note* of the fact that the Ad Hoc Expert Group Meeting on Strategies to Deal with Transnational Crime, held at Smolenice, Czechoslovakia, from 27 to 31 May 1991, formulated important recommendations in this area,

"*Taking note also* of the fact that the International Seminar on Organized Crime, held at Suzdal from 21 to 25 October 1991 pursuant to General Assembly resolution 45/123 of 14 December 1990, adopted recommendations aimed at improving the struggle against the different manifestations of organized crime,

"*Reaffirming* that priority must be given to the struggle against all activities of organized crime, including money laundering, the infiltration of legitimate business and the corruption of public officials,

"1. *Takes note* of the recommendations adopted by the Ad Hoc Expert Group Meeting on Strategies to Deal with Transnational Crime, held at Smolenice, Czechoslovakia, and by the International Seminar on Organized Crime, held at Suzdal, annexed to the present resolution, and offers them for consideration by Governments in their efforts to enhance the struggle against organized crime, both nationally and internationally;

"2. *Requests* the Secretary-General to continue the analysis of information on the impact of organized criminal activities upon society at large, including data on the nature, extent, forms and dimensions of organized crime, on legislative measures aimed at controlling organized crime and on judicial practice as regards cases involving organized crime, with a view to keeping informed the Commission on Crime Prevention and Criminal Justice;

"3. *Invites* Member States to give favourable consideration to the organization of practice-oriented workshops, research projects and training programmes to deal with specific aspects of organized criminal activities, with a view to exchanging ideas concerning law enforcement methods for their control which have proved to be both effective and consistent with the concept of respect for human rights;

"4. *Requests* the Secretary-General to promote greater international cooperation in efforts against economic crimes and the laundering of illicit funds and to submit proposals on international cooperation in order to facilitate these tasks;

"5. *Invites* the Commission on Crime Prevention and Criminal Justice to give priority attention at its annual sessions to the problem of transnational organized crime and to submit proposals aimed at controlling the problem to the Economic and Social Council."

73. At the same meeting, statements were made by the representatives of the United States of America, Peru, Australia and the Russian Federation.

74. At the 9th meeting, on 30 April, the representative of Bolivia, on behalf of the sponsors, introduced a revised draft resolution (E/CN.15/1992/L.6/Rev.2) entitled "Organized crime".

75. At the same meeting, the representative of the United States of America proposed to amend the revised draft resolution by deleting operative paragraphs 4 and 5.

76. The representatives of Italy and Bolivia made statements.

77. At the 10th meeting, on 30 April, the representative of Bolivia read out the following revision, which had been agreed upon during informal consultations held on the revised draft resolution:

Operative paragraph 2, which had read:

> "Requests the Secretary-General to continue the analysis of information on the impact of organized criminal activities upon society at large, including data on the nature, extent, forms and dimensions of organized crime, on legislative measures aimed at controlling organized crime and on judicial practice as regards cases involving organized crime, with a view to keeping informed the Commission on Crime Prevention and Criminal Justice",

was replaced by the following text:

> "Requests the Secretary-General to continue the analysis of information on the impact of organized criminal activities upon society at large, including data on the nature, extent, forms and dimensions of organized crime, on legislative measures and the promotion of international cooperation aimed at controlling organized crime, with special emphasis on economic crimes and the laundering of illicit funds, and on judicial practice as regards cases involving organized crime, with a view to keeping the Commission on Crime Prevention and Criminal Justice informed".

78. At the same meeting, following statements by the representatives of the United States of America, Bolivia and the Russian Federation, the Commission adopted the revised draft resolution, as further revised (see chap. I, sect. A, draft resolution II).

Control of the proceeds of crime

79. At the 8th meeting. on 29 April, the representative of Bolivia, on behalf of Austria, Bolivia, Canada, 26/ Greece, 26/ Italy, Portugal 26/ and Sweden 26/ introduced a draft resolution (E/CN.15/1992/L.11) entitled "Control of proceeds of crime". Subsequently, Costa Rica, Germany, the Netherlands, 26/ the Russian Federation and Spain 26/ joined in sponsoring the draft resolution.

80. At the same meeting, the representative of the United States of America proposed the following amendments to the draft resolution:

(a) In the second preambular paragraph, replacement of the words "and homogeneous measures" by the words "effective and complementary measures";

(b) In the ninth preambular paragraph, replacement of the word "adopted" by the word "prepared" before the words "by the Inter-American Drug Abuse Control Commission".

81. At the same meeting, the representative of the Islamic Republic of Iran proposed to amend the draft resolution by inserting in operative paragraph 2, the words "including embezzlement" after the words "related offences".

82. Also at that meeting, the representative of France proposed to replace, in operative paragraph 3, the word "modalities" by the word "means" and the Observer for Kuwait proposed to further amend the paragraph by inserting the words "law enforcement" after the word "investigative".

83. At the same meeting, the representative of Italy revised the draft resolution by adding a new operative paragraph after operative paragraph 5, reading:

> "*Requests* the Secretary-General to report to the Commission at its second session on the above activities".

84. At the same meeting, the Commission adopted the draft resolution, as orally revised and amended (see chap. I, sect. C, Commission resolution 1/2).

Implementation of United Nations standards and norms in crime prevention and criminal justice

85. At the 8th meeting, on 29 April, the representative of France, on behalf of Austria, Canada, 26/ France, the Netherlands 26/ and the United Kingdom of Great Britain and Northern Ireland, 26/ introduced a draft resolution (E/CN.15/1992/L.12) entitled "Implementation of United Nations standards and norms in crime prevention and criminal justice", which read as follows:

"*Implementation of United Nations standards and norms in crime prevention and criminal justice*

"*The Commission on Crime Prevention and Criminal Justice*,

"*Welcoming* the achievement of the United Nations in establishing standards to be used in crime prevention and criminal justice,

"*Convinced* of the need for progress to be made in achieving broader and more effective implementation of such standards,

"*Recognizing* the importance of implementing the United Nations standards and norms in crime prevention and criminal justice, "Recognizing also the difficulties encountered by some Member States in the successful implementation of such standards and norms,

"Recognizing that effective monitoring of the progress made in the implementation of such standards and norms is the only way of knowing what has been achieved and what remains to be achieved,

"Acknowledging the importance of a system of technical cooperation for this purpose that would be structured so that it would better meet the needs of Member States,

"Recalling the resolutions dealing with this issue, in particular resolution 29, entitled 'Development of future procedures for evaluating the extent to which Member States implement United Nations norms and guidelines in criminal justice and crime prevention', and the decision entitled 'Implementation of the conclusions of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders', adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Havana from 27 August to 7 September 1990,

"Recalling also Commission on Human Rights resolution 1992/31 of 28 February 1992, entitled 'Human rights in the administration of justice', in which that Commission invited the Commission on Crime Prevention and Criminal Justice to explore ways and means of cooperating with the human rights programme in the field of the administration of justice, with special emphasis on the effective implementation of standards and norms,

"Acknowledging with appreciation the conclusions and recommendations of the Meeting of Experts for the Evaluation of Implementation of United Nations Norms and Guidelines in Crime Prevention and Criminal Justice, held at Vienna from 14 to 16 October 1991 (E/CN.15/1992/4/Add.4),

"Noting the large number of United Nations standards and the consequent need for new structures in order to provide for the effective implementation and monitoring of those standards,

"Decides to establish, at its second session, a sessional working group on implementation entrusted with the task of advising the Commission on Crime Prevention and Criminal Justice and preparing its work on the implementation, including the monitoring, of United Nations standards and norms in the field of crime prevention and criminal justice, especially with a view to selecting priorities and ascertaining how the practical work involved should best be carried out."

86. At the 9th meeting, on 30 April, the representative of France, on behalf of the sponsors, withdrew the draft resolution (E/CN.15/1992/L.12), in the light of the adoption of draft resolution E/CN.15/1992/L.4/Rev.2 (see chap. II, paras. 35 to 40 above).

Chapter IV

PREPARATIONS FOR THE NINTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

87. The Commission considered agenda item 5 at its 7th to 9th meetings on 24, 29 and 30 April. It had before it the following documents:

(a) Note by the Secretary-General on the preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (E/CN.15/1992/5);

(b) Summary project presentation on the 1992 International Victimization Survey, submitted by the United Nations Interregional Crime and Justice Research Institute (E/CN.15/1992/CRP.3);

(c) Preliminary report on environmental crime, sanctioning strategies and sustainable development, submitted by the United Nations Interregional Crime and Justice Research Institute (E/CN.15/1992/CRP.4).

88. In introducing agenda item 5, the Chief of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs referred to the note by the Secretary-General on the preparations for the Ninth Congress (E/CN.15/1992/5). He noted that the legacy of past United Nations congresses on the prevention of crime and the treatment of offenders had demonstrated their value to the international community. He said that a number of international instruments and standards adopted by the congresses in the area of crime prevention and criminal justice had set the stage for action and were having a major impact at the national and international levels. He added that the new terms of reference of the congresses, set by the General Assembly in its resolution 46/152, would change the role of the Ninth Congress, especially vis-à-vis the Commission, but might also influence the choice of subjects to be covered by its agenda.

89. He reviewed the suggestions for the substantive subjects to be covered by the provisional agenda for the Ninth Congress, contained in annex II to the note by the Secretary-General, as well as possible organizational arrangements. In lieu of interregional preparatory meetings, such as those organized before the Sixth, Seventh and Eighth Congresses, the Commission had been given the task of defining and considering in depth the substantive items of the provisional agenda for the Ninth Congress. In view of the preparatory work involved and time constraints, it was necessary for the Commission to proceed with that task at its first session.

90. Many representatives commended the proposals contained in the note by the Secretary-General, emphasizing that the balanced development of the items of the provisional agenda for the Ninth Congress should maximize its function as a forum for action-oriented exchange of information and experience, including research findings and practical strategies.

91. Several representatives expressed the view that the selection of a provisional agenda for the Ninth Congress should be based on the programme priorities that were being set by the Commission. One representative proposed

that the identification of subjects to be covered be postponed until the second session of the Commission. Another representative recommended that the subjects be selected in stages, that is, one or two subjects could be identified at the first session and additional ones could be identified at the second session. Others found it important to first establish a framework for action on any subject chosen by the Commission. According to one representative, that framework might require that the subject be pertinent in respect of three elements: crime prevention strategies, the criminal justice system and international cooperation in the fight against transnational crime. At the same time, however, the consideration of each subject should focus on the operations of the four subsystems of the criminal justice system (the police, prosecution, courts and prisons) in their fundamental functions of serving the community and protecting social values. The role of the community itself was another essential element when considering such subjects.

92. Several representatives said that the new format of the congresses should streamline the work of the Ninth Congress. Unlike preceding congresses, the Ninth Congress should not be excessively involved in the preparation of resolutions. It was suggested that, as the Ninth Congress would not have a legislative function but an advisory one, it should concentrate on well-focused subjects selected from among the five proposed in the note by the Secretary-General, with a view to stimulating a practical exchange of views that would yield operational results, including technical cooperation projects. Any draft resolutions to be considered by the Ninth Congress for adoption should be drafted, considered and submitted to the Ninth Congress through the Commission well in advance; the number of draft resolutions should be limited, as was the case in international forums such as the General Conference of the International Labour Organisation. Some representatives emphasized the usefulness of the regional preparatory meetings, which should be used to channel intergovernmental action, leading to the adoption by the Commission of resolutions and proposals for follow-up by the Ninth Congress. Others stated that, under the new functions of the congresses, questions of a legislative nature would be referred to the Commission for action. The new functional relationship between the regional preparatory meetings, action by the Commission and the work of the congresses would most likely entail the earlier preparation of working papers by the Secretariat on the items of the provisional agenda for the Ninth Congress, so that they would be available for the regional preparatory meetings and would advance the discussion of substantive items of the provisional agenda. Some representatives stressed that, like the number of draft resolutions, the number of documents to be considered by the Ninth Congress should be kept small. Consequently, the substantive side of the preparations for the Ninth Congress might need to be rearranged, possibly by commissioning the expertise needed for the drafting of working papers at an earlier stage. Whereas some representatives did not consider the provision of the necessary funding for the preparations of the Ninth Congress to be crucial to the discussion at the first session of the Commission, others emphasized that the deadlines required prompt action by the Commission. All agreed, however, that everything possible should be done to allow the preparations to gain momentum, which would help to put them on the proper track and to ensure the success of the Ninth Congress.

93. In that connection, several representatives stressed that research and demonstration workshops should figure more prominently in the provisional agenda of the Ninth Congress, thus permitting a more intensive and pragmatic

exchange of the results obtained. The Ninth Congress should be future-oriented and not simply take stock of the past; it should seek to stimulate and promote new initiatives in crime prevention and criminal justice.

94. Three guiding elements should govern the organization of research and demonstration workshops: (a) their ability to concentrate on current trends and issues in the field of crime prevention and criminal justice; (b) their research and/or demonstration value; and (c) their use as a forum for the effective exchange of expertise and experience. In that connection, the following possible subjects for the workshops were proposed: development of a criminal justice database for analysis and policy use, including crime and victimization surveys; environmental crime; stimulation and promotion of new initiatives in crime prevention; and management of criminal justice, which could focus on computer applications in justice operations. The latter subject was found by many to be both relevant and timely in the light of regional and global developments in information technology.

95. Several representatives expressed the view that the new format of the congresses should provide for appropriate scheduling of official and ancillary meetings sponsored by non-governmental organizations, which would enable governmental representatives to attend the latter meetings during a possible recess in official congress work. The role of non-governmental organizations was strongly underlined, and the Commission heard statements from representatives of a number of organizations in support of the new format of the congresses.

96. The issues identified in annex I to the note by the Secretary-General received the general support of the Commission as possible subjects for consideration by the Ninth Congress. The following specific observations were made:

(a) With regard to the first subject, "Implementation of the United Nations crime prevention and criminal justice policy and programme: technical cooperation and assistance for reform and strengthening of the rule of law", several representatives considered it essential to place the item on the provisional agenda of the Ninth Congress because of the importance of reviewing developments and problems in the application of United Nations standards and norms. Inclusion of that issue would reflect a continuing commitment on the part of Member States to the promotion of those instruments, the relevance and validity of which had been emphasized repeatedly by the General Assembly, most recently in its resolution 46/120 on human rights in the administration of justice. Other representatives noted that the implementation of the relevant United Nations instruments and norms rested primarily with the Commission, so that the Ninth Congress should consider the issue from a purely research and advisory perspective. Such a perspective could include the question of misuse of power by law enforcement authorities and practical controls aimed at curtailing such practices. The Ninth Congress could also deal with other fundamental issues, starting with the role of non-governmental organizations in the improved implementation of the Standard Minimum Rules for the Treatment of Prisoners and other United Nations standards, including crime prevention principles relating to the protection of victims and juvenile justice.

(b) With regard to the second subject, "Collaborative action against economic, organized and environmental crime", there was unanimous agreement that it should be included in the provisional agenda of the Ninth Congress. Among the numerous issues to be considered under that item, some representatives suggested the inclusion of the problem of toxic waste disposal in developing countries and of trade in hazardous products. It was agreed that it would be important to explore in depth the problem of money laundering, which was causing widespread concern, regardless of the political, legal or social context, and which urgently required technical cooperation at the bilateral and multilateral levels. Other facets of organized and transnational crime also needed to be explored, since there was hardly any place in the world that organized crime had not yet reached, even though in some countries it was still in its early stages. It was noted that corruption, racketeering, bribery and other economic crimes were increasingly transcending national borders and, therefore, a thorough consideration of the issue, including possible international counter-strategies, was needed.

(c) The third subject, "Crime prevention for security, stability, peace and democracy", was considered by many representatives as a highly relevant issue that should be included in the provisional agenda of the Ninth Congress. It was agreed that the maintenance of security, stability and peace and the strengthening of democratic processes represented serious international concerns and were among the main goals of the Organization. The issue provided an opportunity to take account of recent geopolitical global events, and activities of the United Nations in major peacemaking and peace-keeping operations, and in initiatives and endeavours to solve conflicts. The latter demonstrated the role of, and demands placed on, criminal justice systems and their operatives, as well as the direct relationship between crime prevention and those concerns. Other important components of the subject included the exercise, by the police, of prevention and enforcement functions and powers in the maintenance of law and order and the promotion of law-abiding behaviour and public protection. The issue of urban safety was also deemed relevant.

(d) With regard to the fourth subject, "Criminal justice in transition: science and technology for more effective management", the Commission agreed that the issue was relevant to all justice systems that needed to keep abreast, on a continual basis, of the changing patterns and dynamics of crime. Virtually all segments of the criminal justice system were influenced by changing conditions, and every criminal justice agency should constantly seek, and be responsive to, innovations in running its operations and in communicating with the public through the mass media. In that context, the education and training of criminal justice personnel was considered a priority, since no innovation could succeed without the active participation of staff working in criminal justice agencies. Some representatives stressed that, with the emphasis on modern management techniques, the increased need for computerization of criminal justice operations had to be fully addressed by decision makers and other criminal justice staff. The congresses, with their new format, would be an appropriate forum for a pragmatic review of issues such as the assessment of crime trends, including victimization surveys and crime projections, innovations in science and technology in the service of crime prevention and criminal justice, including electronic network systems for sharing crime-related data at the domestic and transnational levels.

(e) With regard to the fifth subject, "Violence prevention and control, non-violent conflict resolution and victim protection", a number of representatives stressed its importance, particularly in the present-day context of escalating violence and civil strife. Congress participants could contribute usefully to discussions concerning conflict resolution techniques, mediation and the peaceful settlement of disputes. The increasing costs and case-loads of formal criminal justice made it necessary to rely on other less costly systems, which drew on indigenous traditions and community participation. It was further pointed out, however, that the issue was related to item 3 and that their joint consideration at the Ninth Congress might further strengthen the quest for security, stability, peace and democracy. It was noted that the question of differential treatment of women as victims (e.g., domestic violence and rape) could be usefully incorporated in a revised formula of item 3.

97. Since the Commission was called upon to make some choices, an appropriate mechanism might be established that would allow in-depth consideration of the matter.

98. Several representatives informed the Commission of their continued interest in acting as host for the Ninth Congress.

99. The representative of the Islamic Republic of Iran made a statement in the course of which he informed the Commission of the offer of his Government to act as host for the Ninth United Nations Congress. The Commission took note with appreciation of that offer, which was reflected in paragraph 9 of draft resolution III.

100. In that connection, one representative from the African region indicated that, in view of the fact that none of the previous congresses had been hosted by the countries of that region, those countries needed some time to examine such a possibility.

Action taken by the Commission

Preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

101. At the 8th meeting, on 29 April, the Vice-Chairman of the Commission, Omar Haniff (Malaysia), introduced a draft resolution (E/CN.15/1992/L.9) entitled "Preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders", which was submitted on the basis of informal consultations and read as follows:

"Preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

"The Economic and Social Council,

"Considering that, pursuant to General Assembly resolutions 415 (V), annex, of 1 December 1950 and 46/152, annex, of 18 December 1991, the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders is to be convened in 1995, "*Recognizing* the significant contributions of the United Nations congresses on the prevention of crime and the treatment of offenders to the promotion and strengthening of international cooperation in crime prevention and criminal justice,

"*Bearing in mind* the new role of the congresses stipulated in paragraph 29 of the Statement of Principles and Programme of Action annexed to General Assembly resolution 46/152,

"*Taking note* of the note by the Secretary-General on the preparations for the Ninth Congress (E/CN.15/1992/5),

"1. *Requests* the Commission on Crime Prevention and Criminal Justice at its second session to prepare a provisional agenda for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, taking into account the following:

"(a) The Ninth Congress should deal with a limited number of substantive topics, not exceeding four, which should reflect urgent needs of the world community;

"(b) The selection of substantive topics should be made in accordance with the programme priorities set by the Commission and may include the subjects contained in the annex to the present resolution;

"(c) The holding of action-oriented research and demonstration workshops on topics selected by the Commission, as part of the programme of the Ninth Congress, and ancillary meetings associated with the Ninth Congress should be encouraged;

"2. *Requests* the Secretary-General to assist the Commission in selecting substantive items of the provisional agenda for the Ninth Congress and invites Member States to be actively involved in the selection process;

"3. *Also requests* the Secretary-General to prepare draft rules of procedure for the Ninth Congress, taking into account:

"(a) The terms of reference of the United Nations congresses on the prevention of crime and the treatment of offenders, stipulated in the Statement of Principles and Programme of Action annexed to General Assembly resolution 46/152;

"(b) The need for all draft resolutions on the selected topics to be submitted well in advance of the Ninth Congress;

"4. *Invites* the regional commissions, regional and interregional institutes for the prevention of crime and the treatment of offenders, government-appointed national correspondents in the field of crime prevention and criminal justice, specialized agencies and other entities within the United Nations system, the intergovernmental organizations concerned and relevant non-govermental organizations in consultative status with the Economic and Social Council to become actively involved in the preparations for the Ninth Congress;

"5. Requests the Secretary-General to facilitate the organization of the following:

"(a) Ancillary meetings, of non-governmental organizations in consultative status with the Economic and Social Council, held at the site of the Ninth Congress, to deal with issues relating to substantive items of the provisional agenda for the Ninth Congress, in accordance with existing legislative regulations;

"(b) Meetings of professional and geographical interest groups;

"6. Also requests the Secretary-General to provide the United Nations crime prevention and criminal justice programme with the resources necessary to undertake, in an effective and timely manner, the preparatory activities for the Ninth Congress, as directed by the Commission, including the organization of regional preparatory meetings;

"7. Further requests the Secretary-General to provide resources, as required, in accordance with established United Nations budgetary practice, to ensure a wide and effective programme of public information related to the preparation for the Ninth Congress.

"Annex

"POSSIBLE SUBJECTS FOR INCLUSION AS SUBSTANTIVE TOPICS OF THE NINTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

"Technical assistance and international cooperation.

"Transnational and organized crime (including drug trafficking and money laundering).

"Human aspects of criminal justice systems.

"Cultural property crimes.

"Implementation of norms and guidelines.

"Juvenile delinquency.

"Environmental crime.

"Role of the community in the criminal justice system.

"Country	Topic
USA	Technical assistance and international cooperation.
Indonesia	Transnational and organized crime (including drug trafficking and money laundering).

Portugal	Organized crime. Human aspects of criminal justice systems.
Russian Federation	Organized crime. Economic crimes, including corruption. Cultural property crimes.
China	Implementation of norms and guidelines. Transnational and organized crime (including drug trafficking and money laundering). Juvenile delinquency.
Italy	Transnational and organized crime (including drug trafficking and money laundering).
Hungary	Organized crime. Human aspects of functioning of criminal justice systems; role of police; social problems.
Iran	International cooperation and technical assistance (subparas. 2 (g) and 2 (b)). Organized crime - drug trafficking; theft of cultural patrimony.
Germany	Environmental crime.
Austria	Transnational organized crime, including illicit drug trafficking and money laundering.
Philippines	Role of the community in the criminal justice system.
Japan	Organized and economic crime."

102. At the same meeting, statements were made by the representatives of China, Italy, France and Austria and the observer for Portugal.

103. At the 9th meeting, on 30 April, the Vice-Chairman of the Commission, Mr. Haniff (Malaysia), introduced a revised draft resolution (E/CN.15/1992/L.9/Rev.1) entitled "Preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders", which was submitted on the basis of informal consultations.

104. At the same meeting, the representative of France proposed to amend operative paragraph 1 (d) by inserting the words "including the question of victims" after the words "violent criminality".

105. Also at that meeting, the representative of the United States of America proposed the following amendments to the revised draft resolution:

(a) Addition of the words "held at the site of the Ninth Congress" at the end of operative paragraph 6 (b);

(b) In operative paragraph 8, insertion of the words "within the overall appropriations of the programme budget for the biennium 1992-1993 and adequate resources for the biennium 1994-1995" after the words "United Nations budgetary practice", and replacement of the words "a wide and effective programme" by the words "an appropriate programme".

106. At the same meeting, the observer for the United Kingdom of Great Britain and Northern Ireland proposed to amend operative paragraph 7 by inserting the words "within the overall appropriations of the programme budget for the biennium 1992-1993 and adequate resources for the biennium 1994-1995" after the words "in an effective and timely manner", which was accepted by the Commission.

107. The Commission agreed to add a new operative paragraph at the end of the revised draft resolution, reading:

> "9. Takes note with appreciation of the offer of the Government of the Islamic Republic of Iran to act as host for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders".

108. At the same meeting, statements were made by the representatives of the United States of America, Australia, Saudi Arabia, the Islamic Republic of Iran and Austria, and by the observers for Kuwait, New Zealand and Algeria.

109. The Secretary of the Commission and the Chief of the Crime Prevention and Criminal Justice Branch also made statements.

110. At the 9th meeting, the Commission adopted the revised draft resolution, as orally amended (see chap. I, sect. A, draft resolution III).

Chapter V

PROVISIONAL AGENDA FOR THE SECOND SESSION OF THE COMMISSION

111. The Commission considered item 6 of its agenda at its 10th meeting, on 30 April 1992. It had before it a note by the Secretariat containing the draft provisional agenda for the second session, together with the list of requested documentation (E/CN.15/1992/L.1).

112. At the same meeting, statements were made by the representatives of Australia, Poland and France and the observer for Algeria. The Secretary of the Commission also made a statement.

113. Also at the same meeting, the Commission decided to recommend approval of the draft provisional agenda to the Economic and Social Council, in accordance with Council resolution 1979/41 (see chap. I, sect. B, draft decision).

Chapter VI

ADOPTION OF THE REPORT OF THE COMMISSION AND CLOSING OF THE SESSION

114. At its 10th meeting, on 30 April 1992, the Commission adopted the report on its first session (E/CN.15/1992/L.2 and Add.1-3) as amended during the discussion.

115. The Director of the Social Development Division, on behalf of the Director-General of the United Nations Office at Vienna, thanked the participants for their work. The Commission's first session had proved productive in spite of some procedural hurdles and the new ground to be broken. The transition from the former Committee on Crime Prevention and Control had been smooth and an auspicious beginning made for an effective and practical new programme in that field.

116. However, the active support of Governments was now needed to move from words to deeds, and he expressed the hope that it would be forthcoming. Stability and security was essential for sustained progress in the world of today and tomorrow. The Secretariat stood ready to assist the Commission in every possible way and he hoped for a true partnership, based on accountability, reliability, transparency and mutual trust.

117. The Chairperson thanked the members of the Commission, the other participants and the Secretariat for a job well done, which had made the meeting so effective. She expressed her gratitude for the spirit of commitment, dedication and determination that characterized the proceedings and contributed to their success. The resolutions adopted reflected a recognition of the complexities of the subject-matters dealt with and the need for intensified action in areas of major concern. She also expressed her appreciation to the members of the former Committee on Crime Prevention and Control, who had done such excellent work in the past and helped to ensure a smooth transition.

118. The work of the Commission had given further effect to the recommendations of the Ministerial Meeting and charted the tasks ahead, reflecting the political will and commitment of States, and intergovernmental and non-governmental organizations, to create a world free from the threat of crime, to uphold the rule of law and improve the administration of justice. She was confident that the Commission would continue to make a significant contribution to the international fight against crime, and she stood ready to help ensure proper follow-up of the Commission's conclusions at all levels.

Chapter VII

ORGANIZATION OF THE SESSION

A. Opening and duration of the session

119. The Commission on Crime Prevention and Criminal Justice held its first session at Vienna from 21 to 30 April 1992. The Commission held 10 meetings (1st to 10th) and a number of informal meetings.

120. In opening the session, the Director-General, Head of the Centre for Social Development and Humanitarian Affairs and Executive Director of the United Nations International Drug Control Programme, stated that the Commission on Crime Prevention and Criminal Justice had been created at a time of momentous change in world affairs, in which the United Nations was playing a new central role while undergoing reappraisal and restructuring. The creation of the Commission reflected the urgency of finding viable solutions to the problems at hand and evidenced the determination of the world community to intensify global concerted action against national and transnational crime. On behalf of the Secretary-General, the Director-General paid tribute to the former Committee on Crime Prevention and Control for its crucial contributions to United Nations efforts in the field of crime prevention and criminal justice, particularly in the restructuring of the United Nations crime prevention and criminal justice programme.

121. Faced with such enormous challenges to respect for law and to institutional order, much stronger international cooperation had become imperative. The United Nations could help by making such cooperation more viable. In spite of the achievements of the Organization, a truly effective capacity had yet to emerge for concerted action or for assisting Governments in upgrading their domestic crime prevention and criminal justice systems. Scarcity of resources had severely limited the ability of the Organization to respond adequately to the needs of Member States.

122. The Director-General said that, as Executive Director of the United Nations International Drug Control Programme, he was acutely aware of the threat posed by organized and transnational crime. The fight against such crime would require the Commission on Crime Prevention and Criminal Justice and the United Nations crime prevention and criminal justice programme to interact closely with the Commission on Narcotic Drugs and the United Nations International Drug Control Programme. The Commission might consider how to optimize that interaction and might determine what cooperative arrangements could be established, in the light of three resolutions related to that subject that had been adopted by the Commission on Narcotic Drugs at its thirty-fifth session.

123. The Director-General referred to the threat posed by growing white-collar crime, not only to national economies but also to the world economy, in the context of the expanding global market-place. Greater harmonization and cooperation were needed to cope with the complex legal and jurisdictional issues that were emerging. The proliferation of violence had produced a sense of insecurity that was adversely affecting the quality of life. The United

Nations could help to mitigate conflicts and to curtail and redress victimization, particularly by responding to requests for technical cooperation and advisory services.

124. The Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme had been a turning-point brought about by the concern that Governments should be more closely involved in the fight against crime and that the resource capacity of the United Nations was inadequate to counter the severity and scale of modern crime.

125. The capabilities of the Organization would have to be substantially expanded in order to meet national and international needs. Piecemeal attempts and isolated efforts were not sufficient; no country alone was capable of coping with crime. Thus, international cooperation should result in the pooling of knowledge and the transfer of expertise. Consequently, the United Nations crime prevention and criminal justice programme should assume a clearing-house function and should establish a global training network to fulfil the specific needs of developing countries. There was a need to develop pilot and demonstration projects and to make technical cooperation more available to interested Governments. In that connection, the interregional advisory services needed to be built up. The programme should also assist emerging democracies in consolidating their new freedoms by strengthening their judicial institutions.

126. The Director-General concluded by asserting that the future of the programme would depend on the level of human and financial resources allocated to it. In order for the programme to become fully functional, appropriate budgetary and extrabudgetary resources were urgently needed. The new tasks assigned to the Secretariat as a result of the establishment of the Commission and the new programme would also necessitate the upgrading of the Crime Prevention and Criminal Justice Branch, as recommended in the Statement of Principles approved by the General Assembly in its resolution 46/152.

127. Upon her election, the Chairperson made a statement and expressed concern that the consequences of criminality threatened not only sustained development but also internal security and peace. In her opinion, the major tasks of the new programme were to foster regional and international cooperation, to assist Member States in improving the skills of relevant personnel and to build infrastructure that could respond more effectively to the threat of crime.

B. Attendance

128. In accordance with Economic and Social Council resolution 1992/1, the Commission is composed of 40 States Members of the United Nations, elected on the basis of the principle of equitable geographical distribution.

129. The session was attended by representatives of 37 States members of the Commission. Observers for other States Members of the United Nations and for non-member States and representatives of specialized agencies and intergovernmental and non-governmental organizations also attended. A list of participants is given in annex I to the present report.

130. The following members of the former Committee on Crime Prevention and Control attended the session in accordance with Economic and Social Council resolution 1992/1: Cheng Weiqiu (China), Dusan Cotič (Yugoslavia), T. P. Frank de Silva (Sri Lanka), Ronald L. Gainer (United States of America), Benjamin Miguel Harb (Bolivia), Vassili P. Ignatov (Russian Federation), Jerzy Jasinski (Poland), Matti Joutsen (Finland), James B. Kalaile (Malawi), Albert L. O. Metzger (Sierra Leone), Jorge Montero Castro (Costa Rica), Farouk A. Murad (Saudi Arabia), Gioacchino Polimeni (Italy), Victor Ramanitra (Madagascar), Simone Andrée Rozès (France), Julian J. E. Schutte (Netherlands), Abdelaziz A. Shiddo (Sudan) and Minoru Shikita (Japan).

C. Election of officers

131. At its 1st meeting, on 21 April, the Commission elected the following officers by acclamation:

Chairman: Wonu Folami (Nigeria)

Vice-Chairmen: Herman Woltring (Australia)
Omar Haniff (Malaysia)
Benjamin Miguel Harb (Bolivia)

Rapporteur: Jerzy Jasinski (Poland)

D. Agenda and organization of work

132. At its 1st meeting, on 21 April, the Commission adopted the provisional agenda contained in document E/CN.15/1992/1 and Corr.1 (see annex II to the present report) and approved the organization of work contained in annex II to that document.

133. At its 8th meeting, on 29 April, the Commission had before it a draft decision (E/CN.15/1992/L.5) entitled "Measures to assist the Commission on Crime Prevention and Criminal Justice in carrying out its mandate", which was submitted by the Chairman of the Commission.

134. At the same meeting, the Commission adopted the draft decision (see chap. I, sect. D, Commission decision 1/101).

E. Consultations with non-governmental organizations

135. In accordance with rule 76 of the rules of procedure of the functional commissions of the Economic and Social Council (E/5975/Rev.1), statements were made by representatives of the following non-governmental organizations in consultative status with the Council:

Under agenda item 3

Category II: Amnesty International

Under agenda item 4

Category II: International Centre of Sociological, Penal and Penitentiary Research and Studies

Under agenda item 5

Category II: Howard League for Penal Reform

Roster: Procedural Aspects of International Law Institute

136. Written statements submitted by non-governmental organizations are listed in annex IV to the present report.

Annex I

LIST OF PARTICIPANTS

Members

Australia: Herman Woltring, Duncan Chappell, John Page

Austria: Richard Wotava, Helmut Gonsa, Christoph Mayerhofer, Roland Miklau, Ewald Jäger, Emil Tellian, Franz Brenner, Albin Dearing, Harald Tiegs, Irene Gartner

Bolivia: Benjamin Miguel Harb, A. Gastón Ponce Caballero, Patricia Cronenbold, Alvaro Del Pozo Carafa

Bulgaria: Ekaterina Panayotova Trendafilova-Bachvarova, Rossen Popov

Burkina Faso*

China: Jin Jian, Chen Shiqiu, Yao Yunhui, Cheng Weiqiu, Du Qiwen, Wang Lixian, Lin Chongfei, Li Xiaoyi, Wang Rongkang

Costa Rica: Jorge Montero Castro, Oscar Mas Herrera, Stella Aviram

Cuba: Zenaida Osorio-Vizcaina, Nery Rodriguez

Dominican Republic*

Finland: Teuvo Kallio, Inkeri Anttila, Matti Joutsen, Patrik Törnudd, Päivi Kaukoranta, Merja Lindroos-Binham, Ilkka-Pekka Similä

France: Marcel Tremeau, Jean-Marie Delarue, Olivier Mailtand Pelen, Marie-Pierre de Liège, Simone Andrée Rozès, Marc Robert, Adeline Hazan, Nicolas Métra, Françoise Rouchereau, Michel Allaix, Nicolas de Rivière, René Brégeon, Isabelle Toulemonde, Dominique Ducrocq, Vincent Delbos, Eliane Rinaldo, Marie-Anne Chapelle

Gabon: Adrien Mbadinga

Germany: Dieter Schaad, Konrad Hobe, Peter Wilkitski, Alfred Protz, Wolfgang Wiethoff, Pietro Merlo, Manfred Gerwinat, Monika Plate, Rainer Buchholz, Sigrun Reisner

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* Not represented at the session.

Ghana:	William Kwasi Aboah
Guinea-Bissau*	
Hungary:	Károly Bárd, István Szikinger, Klára Bokor Németh, Mihály Dihen
Indonesia:	Muladi, Witjaksana Soegarda, Ghaffar Fadyl, Yasril A. Baharuddin
Iran (Islamic Republic of):	Seyed M. Arastou, Seyed Djalaleddin Madani Kermani, Hojatoleslam Mehrali Younessi, Mehdi Mir Afzal, Amir Zamani Nia, Morteza Damanpak Jami, Hojatoleslam Seyed Ebrahim Raiso-Sadati, Gholamhossein Sadeghi Ghahareh, Mahmoud Ashouri, Karamali Kamayestani, Hossein Fallah, Arasalan Khodaei
Italy:	Giovanni Falcone, Vittorio Pennarola, Marco Sorace-Maresca, Alberto Schepisi, Aldofo Beria di Argentine, Ignazio Francesco Caramazza, Vitaliano Esposito, Giustino Di Santo, Gioacchino Polimeni, Elisabetta Belgiorno, Luigi Daga, Antonio D'Acunto, Francesco di Maggio, Sandro Manichelli, Umberto Bonaventura, Nicola Cardoni
Japan:	Yûki Furuta, Minoru Shikita, Takayuki Aonuma, Kunio Nakamura, Satoru Miyata
Libyan Arab Jamahiriya:	Mostafa Abad Majed Karah, Jamal Alddin Hmedah, Almehdi Salah Merjrbi, Mustaf Ali Abuxayshah
Madagascar:	Victor Ramanitra
Malawi:	Justice J. B. Kalaile
Malaysia:	Omar Tan Sri Mohd Haniff, Christine Ooi Kuan Lee, Zainal Abidin Zaleha
Nicaragua:	Humberto Carrión, Virginia Espinosa, Suyapa I. Padilla
Nigeria:	Wonu Folami, Rosaline O. Ogunleye, Hassan Jega, Victor Fomwul, S. O. Jaiyesimi, A. A. Akomah
Paraguay:	José Emilio Gorostiaga
Peru:	Alberto Salas Barahona, Paul Paredes Portella, Aelin Pérez Ramirez

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* Not represented at the session.

Philippines: Elroy R. Bello III, Guillermo P. Enriquez, Noel Servigon, Carolina A. Constantino

Poland: Jerzy Jasinski, Ireneusz Matela

Republic of Korea: See-Young Lee, Yeong-Jin Kim, Eui Ki Kim, Kyung-Hoon Sul, Taek-Hwa Jeong, Byung In Cho

Russian Federation: Evgueni A. Abramov, Youri V. Zaitsev, Michail P. Belyakov, Eduard P. Ryazanov, Alexandre V. Zmeyevski, Boris S. Avramenko, Vassili P. Ignatov, Alexandre S. Chtcherbakov, Natalyia Y. Goltzova

Saudi Arabia: Essa Al-Nowaiser, Hamad A. Al-Marzouki, Abdulrahim Mashni Al-Ghamdi, Abdullah Al-Rumaihi, Fahad Al-Zeid, Nabil Hussain Ashri

Sierra Leone*

Sri Lanka: T. P. Frank de Silva

Tunisia: Nabiha Gueddana, Habib Ammar, Mustapha M'timet, M. Slaheddine Mrad, Khemakhem, Hafedh Bouktif

Uganda: Joseph A. A. Etima

United States of America: Jane E. Becker, Drew Arena, Thomas A. Johnson, John A. Buche, Michael Defeo, Crayon C. Efird, Gregory B. Sprow, Beverly Zweiben

Uruguay: José D. Lissidini, Carlos Bentancour, Gabriela Ricaldoni

Zaire: Bokonga Ekanga Botombele, Okitundu Ayaki Omba

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* Not represented at the session.

States Members of the United Nations represented by observers

Albania, Algeria, Argentina, Belgium, Brazil, Canada, Chile, Colombia, Czechoslovakia, Democratic People's Republic of Korea, Ecuador, Greece, India, Iraq, Israel, Kuwait, Lebanon, Mexico, Morocco, Netherlands, New Zealand, Niger, Norway, Oman, Pakistan, Panama, Portugal, Qatar, Romania, Spain, Sudan, Sweden, Thailand, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela, Viet Nam, Yemen, Yugoslavia

Non-member States represented by observers

Holy See, Switzerland

United Nations Secretariat

United Nations International Drug Control Programme, Centre for Human Rights, Department of Economic and Social Development

United Nations bodies and affiliated institutes

United Nations Relief and Works Agency for Palestine Refugees in the Near East, United Nations Interregional Crime and Justice Research Institute, African Institute for the Prevention of Crime and the Treatment of Offenders, Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Australian Institute of Criminology, Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations, International Centre for Criminal Law Reform and Criminal Justice Policy

Specialized agencies

United Nations Educational, Scientific and Cultural Organization

Intergovernmental organizations represented by observers

Arab Security Studies and Training Centre, Asian-African Legal Consultative Committee, Commission of the European Communities, Council of Arab Ministers of the Interior, Council of Europe, International Criminal Police Organization, League of Arab States

Non-governmental organizations

Category I: International Council for Adult Education, International Council of Women, Soroptomist International Association, World Federation of United Nations Associations, Zonta International

Category II: Amnesty International, Arab Lawyers Union, Asia Crime Prevention Foundation, Friends World Committee for Consultation, Howard League for Penal Reform, International Abolitionist Federation, International Association of Judges, International Association of Penal Law, International Bar Association, International Centre for Sociological, Penal and Penitentiary Research and Studies, International Commission of Jurists, International Committee of the Red Cross, International Council of Jewish Women, International Federation of Human Rights, International Institute of Humanitarian Law, International Society of Social Defense, International Union of Lawyers, Medical Women's International Association, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students), Salvation Army, World Federation for Mental Health

Roster: International Human Rights Internship Programme, Procedural Aspects of International Law Institute

Annex II

AGENDA OF THE FIRST SESSION

1. Election of officers.

2. Adoption of the agenda and other organizational matters.

3. Implementation of the conclusions and recommendations of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme:

   (a) Consideration of the experience of the Committee on Crime Prevention and Control;

   (b) Organization and functioning of the Commission on Crime Prevention and Criminal Justice;

   (c) Consideration of proposed revisions to programme 29 of the medium-term plan for the period 1992-1997;

   (d) Implementation of other recommendations and conclusions of the Ministerial Meeting.

4. Strengthening existing international cooperation in crime prevention and criminal justice, including technical cooperation in developing countries, with special emphasis on combating organized crime.

5. Preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

6. Provisional agenda for the second session of the Commission.

7. Adoption of the report of the Commission on its first session.

Annex III

DEFERRED DRAFT RESOLUTION a/

The role of criminal law in the protection of nature and the environment

The Commission on Crime Prevention and Criminal Justice,

Recalling General Assembly resolution 46/152 of 18 December 1991,

Taking note of the importance of the United Nations Conference on Environment and Development, to be held at Rio de Janeiro, Brazil, from 3 to 14 June 1992,

Conscious of the need to examine the role of criminal law in the protection of nature and the environment,

Reaffirming that nature and the environment are the basis for life and that their protection must take into account the environment as a whole and its various components and their interrelation,

1. Requests the Secretary-General, subject to the availability of extrabudgetary resources, to convene, for a period of five days, a meeting of no less than five governmental experts from countries members of the Commission, taking duly into account the views of the regional groups on the composition of the meeting, to study the results of the Rio de Janeiro Conference as they relate to the role of criminal law in the protection of nature and the environment and to prepare recommendations for the Commission at its second session;

2. Invites the interregional and regional institutes for the prevention of crime and the treatment of offenders and other relevant institutions to contribute to the success of the above-mentioned meeting and also to participate at the meeting;

3. Further requests the Secretary-General to provide the assistance required for the holding of this meeting and to make the corresponding report available to the Commission for its consideration at its second session.

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a/ The Commission decided to defer action on the draft resolution to its second session, in 1993 (see chap. II, paras. 48 to 51).

Annex IV

LIST OF DOCUMENTS BEFORE THE COMMISSION AT ITS FIRST SESSION

Document number	Agenda item	Title or description
E/CN.15/1992/1 and Corr.1	2	Annotated provisional agenda
E/CN.15/1992/2	3	United Nations activities in crime prevention and criminal justice, including detailed information on current programme budget and extrabudgetary activities of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs: progress report of the Secretary-General
E/CN.15/1992/3	3	Activities of the United Nations Interregional Crime and Justice Research Institute and the regional institutes for crime prevention and criminal justice: progress report of the Secretary-General
E/CN.15/1992/4	4	Strengthening existing international cooperation in crime prevention and criminal justice, including technical cooperation in developing countries, with special emphasis on combating organized crime: note by the Secretary-General
E/CN.15/1992/4/Add.1	4	Report of the Ad Hoc Expert Group Meeting on Stategies to Deal with Transnational Crime, Smolenice, 27-31 May 1991
E/CN.15/1992/4/Add.2	4	Conclusions and recommendations of the International Seminar on Organized Crime, Suzdal, 21-25 October 1991
E/CN.15/1992/4/Add.3 and Corr.1	4	Conclusions and recommendations of the International Expert Group Meeting for the Elaboration of a Model Treaty on the Transfer of Enforcement of Penal Sanctions, Siracusa, 3-8 December 1991
E/CN.15/1992/4/Add.4	4	Conclusions and recommendations of the Meeting of Experts for the Evaluation of Implementation of United Nations Norms and Guidelines in Crime Prevention and Criminal Justice, Vienna, 14-16 October 1991

Document number	Agenda item	Title or description
E/CN.15/1992/4/Add.5	4	Money-laundering and associated issues: the need for international cooperation: note by the Secretary-General
E/CN.15/1992/5	5	Preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders: note by the Secretary-General
E/CN.15/1992/6	3	Implementation of the conclusions and recommendations of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme in pursuance of General Assembly resolution 46/152: report of the Secretary-General
E/CN.15/1992/CRP.1 and Corr.1	3	Proposed revisions to programme 29 of the medium-term plan for the period 1992-1997
E/CN.15/1992/CRP.2	5	Planning Meeting on the Development of United Nations Criminal Justice Information Programme: report submitted by the United Nations Interregional Crime and Justice Research Institute
E/CN.15/1992/CRP.3	5	1992 International Victimization Survey: summary project presentation submitted by the United Nations Interregional Crime and Justice Research Institute
E/CN.15/1992/CRP.4	5	Environmental crime, sanctioning strategies and sustainable development: preliminary report submitted by the United Nations Interregional Crime and Justice Research Institute
E/CN.15/1992/CRP.5	3	Report of the Seventh Joint Programme Coordination Meeting of the United Nations Crime Prevention and Criminal Justice Programme Network
E/CN.15/1992/CRP.6	5	Report on the activities of the United Nations Interregional Crime and Justice Research Institute (UNICRI) for the period 1 November 1989 to 31 March 1992 submitted by the United Nations Interregional Crime and Justice Research Institute
E/CN.15/1992/CRP.7	3	Note on the Foundation

Document number	Agenda item	Title or description
E/CN.15/1992/CRP.8	4	A brief on the African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI): establishment, objectives, progress and work implementation to date
E/CN.15/1992/CRP.9	3	International Meeting of Experts on Domestic Violence, Vancouver, Canada, 22-25 March 1992: overview by the meeting and strategies for further action
E/CN.15/1992/CRP.10	4	Statement submitted by the United Nations Centre for Human Rights
E/CN.15/1992/INF.1		Information for participants
E/CN.15/1992/INF.2		List of participants
E/CN.15/1992/L.1	6	Draft provisional agenda for the second session of the Commission: note by the Secretariat
E/CN.15/1992/L.2 and Add.1-3	7	Draft report of the Commission
E/CN.15/1992/L.3	3	Costa Rica: draft decision
E/CN.15/1992/L.4	3	Australia, Bolivia and Sudan: draft resolution
E/CN.15/1992/L.4/ Rev. 1 and 2	3	Revised draft resolutions submitted by the Vice-Chairman of the Commission, Mr. Herman Woltring (Australia)
E/CN.15/1992/L.5	2	Draft decision submitted by the Chairman of the Commission
E/CN.15/1992/L.6	4	Bolivia, Costa Rica and Czechoslovakia: draft resolution
E/CN.15/1992/L.6/ Rev. 1 and 2	4	Bolivia, Costa Rica, Czechoslovakia and Russian Federation: revised draft resolutions
E/CN.15/1992/L.7	3	Austria: draft resolution
E/CN.15/1992/L.8	3	Draft resolution submitted by the Vice-Chairman of the Commission, Mr. Herman Woltring (Australia)

Document number	Agenda item	Title or description
E/CN.15/1992/L.9	5	Draft resolution submitted by the Vice-Chairman of the Commission, Mr. Omar Haniff (Malaysia)
E/CN.15/1992/L.9/Rev.1	5	Revised draft resolution submitted by the Vice-Chairman of the Commission, Mr. Omar Haniff (Malaysia)
E/CN.15/1992/L.10	3	Bolivia, Costa Rica and Italy: draft resolution
E/CN.15/1992/L.10/ Rev. 1	3	Bolivia, Costa Rica and Italy: revised draft resolution
E/CN.15/1992/L.11	4	Italy and Sweden: draft resolution
E/CN.15/1992/L.12	4	Austria, Canada, France, Netherlands and United Kingdom of Great Britain and Northern Ireland: draft resolution
E/CN.15/1992/L.13	3	United States of America: draft resolution
E/CN.15/1992/NGO/1	5	Statement on the preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders submitted by the following non-governmental organizations in consultative status with the Economic and Social Council: Zonta International (category I); Howard League for Penal Reform and Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students) and Caritas Internationalis (category II)
E/CN.15/1992/NGO/2	5	Statement on the preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders submitted by the Friends World Committee for Consultation, a non-governmental organization in consultative status with the Economic and Social Council (category II)
E/CN.15/1992/NGO/3	5	Statement on the preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders submitted by the following non-governmental organizations in consultative status with the Economic and Social Council: International Council of Women,

Document number	Agenda item	Title or description
		International Federation of Business and Professional Women, Soroptimist International, Women's International Democratic Federation and Zonta International (category I); International Abolitionist Federation, International Federation of University Women and World Union of Catholic Women's Organizations (category II); European Union of Women (roster)
E/CN.15/1992/NGO/4	5	Statement on the preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders submitted by the following non-governmental organizations in consultative status with the Economic and Social Council: Centro Nazionale di Prevenzione e Difesa Sociale, International Association of Penal Law, International Institute of Higher Studies in Criminal Sciences, International Society of Social Defense (category II)
